

Exhibit A

12/6/2017 Democratic National Committee, et al. v. Republican National Committee, et al. Sean Spicer
Confidential

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
Civil Action No. 81-cv-03876 (JMV)(JBC)

DEMOCRATIC NATIONAL COMMITTEE,)
et al.,)
Plaintiffs,)
v.)
REPUBLICAN NATIONAL COMMITTEE,)
et al.,)
Defendants.)

*** CONFIDENTIAL ***

DEPOSITION OF SEAN SPICER
Washington, D.C.
December 6, 2017

Reported by: Mary Ann Payonk

DIGITAL EVIDENCE GROUP
1730 M Street, NW, Suite 812
Washington, D.C. 20036
(202) 232-0646

12/6/2017 Democratic National Committee, et al. v. Republican National Committee, et al. Sean Spicer
Confidential

Page 2

1 December 6, 2017

2 1:34 p.m.

3 CONFIDENTIAL deposition of SEAN SPICER,
4 held at the law offices of King & Spalding,
5 1700 Pennsylvania Avenue, N.W., Suite 200,
6 Washington, D.C., pursuant to Rule 30 and Rule
7 45 of the Federal Rules of Civil Procedure and
8 Notice of Deposition, before Mary Ann Payonk,
9 shorthand reporter and notary public of the
10 District of Columbia, Commonwealth of Virginia,
11 and State of New York.

12

13

14

15

16

17

18

19

20

21

22

1 APPEARANCES:

2 ON BEHALF OF PLAINTIFF DEMOCRATIC NATIONAL

3 COMMITTEE:

4 JOSH L. KAUL, ESQUIRE

5 PERKINS COIE LLP

6 1 East Main Street, Suite 201

7 Madison, WI 53703-5118

8

9 ON BEHALF OF DEFENDANT REPUBLICAN NATIONAL

10 COMMITTEE:

11 BOBBY BURCHFIELD, ESQUIRE

12 MATTHEW LELAND, ESQUIRE

13 BARRETT R.H. YOUNG, ESQUIRE

14 KING & SPALDING LLP

15 1700 Pennsylvania Avenue, N.W., Suite 200

16 Washington, D.C. 20006

17

18 ALSO PRESENT:

19 John R. Phillippe, Chief Counsel

20 Republican National Committee

21 Christina Schaengold, Associate Counsel

Republican National Committee

22 Curtis Roginski, videographer

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

I N D E X

- INDEX TO WITNESSES -

WITNESS	PAGE
SEAN SPICER	
Examination by Mr. Kaul	9, 130
Examination by Mr. Burchfield	128

- INDEX TO EXHIBITS -

NO.	DESCRIPTION	MARKED
Exhibit No. 1	Court order dated November 29, 2017	8
Exhibit No. 2	Court order dated December 5, 2017	8
Exhibit No. 3	Car service receipt	28
Exhibit No. 4	Photo	51
Exhibit No. 5	Politico article	87
Exhibit No. 6	GQ article	105

1 THE VIDEOGRAPHER: This is tape
2 number 1 of the videotaped deposition of
3 Sean Spicer taken by the plaintiff in
4 the matter of the Democratic National
5 Committee et al. v. the Republican
6 National Committee et al. in the
7 United States District Court for the
8 District of New Jersey, Case Number
9 81-CV-03876-JMV-JBC.

10 This deposition is being held at
11 the law firm of King & Spalding, located
12 at 1700 Pennsylvania Avenue, Northwest,
13 Suite 200, Washington, D.C. 20006, on
14 December 6, 2017. The time on the video
15 screen is 1:34 p.m.

16 My name is Curtis Roginski and I'm
17 the videographer from Digital Evidence
18 Group. The court reporter is Mary
19 Payonk in association with Digital
20 Evidence Group.

21 Will counsel please identify
22 yourselves and state who you represent.

1 MR. KAUL: I'm Josh Kaul. I'm an
2 attorney at Perkins Coie, and I
3 represent the DNC.

4 MR. BURCHFIELD: I'm Bobby
5 Burchfield, a partner at King &
6 Spalding, and I represent the RNC. And
7 I think I'll be the only one speaking
8 today.

9 There are others present:
10 Mr. Phillippe, the chief counsel of the
11 RNC; Ms. Schaengold, his deputy;
12 Mr. Leland, my partner; and Mr. Young,
13 my colleague.

14 Before we begin, let me just note
15 that the -- we're here pursuant to a
16 court order which instructs Mr. Spicer
17 to appear to testify related to his
18 presence on Trump Tower on Tuesday,
19 November 8, 2016. We had previously
20 produced the results of our search of
21 the emails that the court ordered us to
22 produce in that same order. This is the

1 order dated November 29, 2017. And
2 if -- if I may, let's -- can we mark
3 that as an -- this as an exhibit?

4 MR. KAUL: Sure.

5 MR. BURCHFIELD: As Exhibit 1,
6 Spicer Exhibit 1. And then also, as an
7 exhibit, we should mark the order
8 entered this morning by the Court --
9 actually, it's dated yesterday but I
10 received it this morning -- relating to
11 confidentiality.

12 And just to make sure that -- that
13 everyone here is aware, that the Court
14 has instructed that the -- that the
15 Spicer deposition may be video recorded
16 provided that the video recording or any
17 portion thereof cannot be released to
18 any third party or entity or made
19 public -- part of the public record
20 unless the Court first orders such
21 disclosure is appropriate upon a showing
22 of good cause and notice to all counsel.

1 And it is further ordered that the
2 prohibition on the release of any video
3 recording of the Spicer deposition
4 includes counsel, the parties, the
5 deponent, the videographer, the
6 stenographer, and any other persons
7 present for the deposition.

8 And then it gives me time to review
9 the transcript and it has other
10 procedures there, but for today's
11 purposes, I think the videographer and
12 the stenographer need to be aware that
13 this is confidential by court order.
14 And we can mark this as Exhibit 2.
15 (Spicer Exhibit No. 1 was marked for
16 identification.)
17 (Spicer Exhibit No. 2 was marked for
18 identification.)

19 SEAN SPICER,
20 called as a witness, having been duly
21 sworn, was examined and testified as
22 follows:

1 EXAMINATION

2 BY MR. KAUL:

3 Q. All right. Mr. Spicer, my name is
4 Josh Kaul. You just heard me introduce myself.
5 I'm one of the attorneys for the DNC in this
6 case which involves the DNC and the RNC.

7 Are you generally familiar that
8 there's a case involving a Consent Decree
9 between the DNC and the RNC?

10 A. I am.

11 Q. Okay. And who are you represented by
12 here today?

13 MR. BURCHFIELD: I am representing
14 Mr. Spicer. This is Bobby Burchfield.
15 He is -- he is testifying today about
16 events that occurred while he was an
17 officer of the RNC and so I am
18 representing him in -- in his capacity
19 as an officer of the RNC and in his
20 personal capacity.

21 MR. KAUL: Okay.

22 Q. And, Mr. Spicer, have you been

1 deposed before?

2 A. No.

3 Q. Okay. I'm going to go over some
4 basic deposition ground rules that just relate
5 to the how questions are asked and answered.

6 A. Okay.

7 Q. And the main point of that is
8 actually to make a clean transcript, among
9 other things.

10 So the first thing I'll tell you is
11 since somebody is recording this, it makes it
12 much easier to take a transcript if we don't
13 talk over each other. So I will do my best to
14 wait until you're done answering a question
15 before I ask the next one, and it would also be
16 helpful if you could wait until I'm done [sic]
17 answering a question before you answer the next
18 question.

19 Does that make sense?

20 A. It does.

21 Q. People have a tendency, rather than
22 saying "yes" and "no," to say things like

1 "uh-huh" or "huh-uh." That's hard for the
2 court reporter to get down, though. So if you
3 could do your best to say "yes" and "no,"
4 that's helpful.

5 Does that make sense?

6 A. Yes.

7 Q. The court reporter can only type so
8 fast. I occasionally speak too fast on the
9 record, so I work to speak at a reasonable
10 pace. If you could also do your best to speak
11 at sort of an even pace, that's always helpful.

12 If at any point during the deposition
13 you need to take a break, please just let me
14 know and happy to take a break. This isn't
15 meant to be an endurance test. The only thing
16 I would ask is that if I have a question
17 pending, that you first answer the question,
18 and then we take a break.

19 Does that make sense?

20 A. Yes.

21 MR. BURCHFIELD: And that -- and
22 that -- obviously, if there's a question

1 of -- of privilege or scope of the order
2 that might be involved that he wants to
3 consult with counsel, even if the
4 question is pending, that -- that would
5 be appropriate.

6 MR. KAUL: That's right.

7 Q. And I don't doubt that your counsel
8 will jump up if he needs to, but -- but if you
9 need to consult with him at any point, just let
10 us know and we'll let you do that. Okay?

11 A. Yes.

12 Q. Is there any reason that you'll have
13 any trouble testifying today?

14 A. No.

15 Q. And you understand you just took an
16 oath to testify truthfully, and that's the same
17 oath that would apply if you were in court?

18 A. I do.

19 Q. You have -- you have a college
20 degree; correct?

21 A. Yes.

22 Q. Do you have any education past

1 college?

2 A. Yes.

3 Q. What's that?

4 A. I have a master's degree from the
5 United States Naval War College.

6 Q. Okay. Anything besides that or is
7 that the end of your education?

8 A. That's the end of my formal
9 education.

10 Q. Okay. And you have been involved in
11 politics in a variety of capacities throughout
12 your career; correct?

13 A. Correct.

14 Q. And what I'd like to focus on today,
15 as Mr. Burchfield talked about before, is your
16 time at the RNC, and specifically on Election
17 Day from 2016, the day that Donald Trump was
18 elected president.

19 On that day, do you recall what your
20 formal title was at the RNC?

21 A. Yes.

22 Q. And what was that?

1 A. Communications director and chief
2 strategist.

3 Q. And can you just at a high level
4 summarize what your duties were at the RNC at
5 that point?

6 A. I managed a staff that oversaw the
7 messaging and communications, i.e., press
8 releases and other electronic and written
9 communications, surrogate operations, etc.,
10 that communicated the party's principles,
11 priorities, and candidates.

12 Q. And that -- was that in your role as
13 communications director that you did those
14 things?

15 A. Yes.

16 Q. And what did being chief strategist
17 entail?

18 A. Thinking more broadly about the
19 positioning of the party when it came to
20 defining an electoral strategy, as well as
21 positioning itself within the -- more broadly,
22 in terms of imaging.

1 Q. Who did you report to?

2 A. To the chief of staff and the
3 chairman.

4 Q. And who was the chief of staff at
5 that time?

6 A. Katie Walsh.

7 Q. And the chairman was Reince Priebus?

8 A. Correct.

9 Q. And did Ms. Walsh report directly to
10 Mr. Priebus?

11 A. To my --

12 MR. BURCHFIELD: Objection.

13 Q. If you know.

14 A. I -- I -- it's outside of my scope.

15 Q. So who -- do you consider yourself as
16 having reported to either Ms. Walsh or
17 Mr. Priebus, or was it both of them?

18 A. Both.

19 Q. Okay. Do you know how many people
20 reported directly to Mr. Priebus?

21 A. I do not.

22 Q. Do you know if it was more than, say,

1 five?

2 A. It's outside of my -- I -- I -- it's
3 a -- not a question that I'm -- was in my
4 purview.

5 Q. Okay. Do you know anybody else who
6 reported directly to Mr. Priebus?

7 A. The chief of staff.

8 Q. Okay. Anyone besides that?

9 A. Again, it's -- wasn't really within
10 my purview to -- to understand who else
11 reported directly to him.

12 Q. How many people did you have
13 reporting to you at that time?

14 A. When you say "at that time," do you
15 mean -- can you be specific with respect to the
16 time frame?

17 Q. Yes. As of Election Day, 2016.

18 A. Plus or minus 70 individuals, both at
19 headquarters and working at various -- working,
20 you know, out in the field.

21 Q. Okay. And just so the record's
22 clear, that's 70, seven-zero?

1 A. Seven-zero.

2 Q. Do you know how many employees there
3 were at the RNC at that time?

4 A. I do not.

5 Q. Did the RNC have people who were
6 designated as senior management or something
7 along those lines?

8 A. There was a meeting of senior staff
9 usually once a week.

10 Q. And were you one of the senior staff
11 members?

12 A. I was.

13 Q. How many senior staff members were
14 there?

15 A. Again, that's something that should
16 be addressed -- it's outside of my purview.

17 Q. Okay. You were at the meetings;
18 right?

19 A. Correct.

20 Q. Did you see how many people were at
21 the meetings?

22 A. I did.

1 Q. How many were there typically?

2 A. Again, sometimes the meetings --
3 again, not everyone in the meeting was
4 designated as a senior staffer. Sometimes
5 people had representatives or would bring other
6 folks, so -- but I would say that roughly 15 to
7 20 people. But I -- I would -- just to be
8 clear, it is -- I -- it would be inappropriate
9 for me to suggest who was specifically
10 designated among that group.

11 Q. Inappropriate, meaning you don't
12 know, or that's --

13 A. It wasn't inside my purview.

14 Q. Okay. When you say not inside your
15 purview, what does that mean?

16 A. Well, I believe that the chairman and
17 the chief of staff specifically would designate
18 who had that -- who was sort of, as you put it,
19 senior staff. So -- so just because someone
20 was at a meeting doesn't necessarily denote
21 that that's -- that they were given that --
22 that would be more of their -- within their

1 purview to decide who -- who fit that
2 definition.

3 Q. Sure. So besides yourself is there
4 anybody who you know for certain was designated
5 as senior staff?

6 A. Yes.

7 Q. Who's that?

8 A. The political director, the finance
9 director, the chief counsel, the chief digital
10 officer, the head of administration, the chief
11 of staff, the co-chair.

12 Q. Who was the co-chair?

13 A. Sharon Day.

14 Q. Sorry, did I interrupt you?

15 A. I -- I -- again, I'm just mentally --
16 that -- that -- that's who I would -- I believe
17 unequivocally was part of that group.

18 Q. Did you have any devices, electronic
19 devices assigned to you as part of your work
20 for the RNC?

21 A. Yes.

22 Q. Okay. What were those?

1 A. The RNC assigned me a -- a laptop.

2 Q. Did you have any mobile devices?

3 A. Personally?

4 Q. Let's start with the RNC assigned.

5 A. No.

6 Q. Did you have any personal mobile
7 devices?

8 A. Yes.

9 Q. Okay. What were those?

10 A. At that time, I possessed an iPhone
11 and an iPad.

12 Q. And I apologize. If I don't specify
13 the time period, I mean as of Election Day
14 2016. Fair enough?

15 A. Yes.

16 Q. All right. And did you have an RNC
17 email account?

18 A. Yes.

19 Q. Were you able to access your RNC
20 emails on your iPhone?

21 A. Yes.

22 Q. Okay. What about your iPad?

1 A. It was -- with the exception of
2 making phone calls, the iPad pretty much
3 mirrored the iPhone.

4 Q. Okay. And the iPhone was your
5 personal phone; is that right?

6 A. Correct.

7 Q. Did you have an RNC phone?

8 A. I think I answered that question.

9 Q. What was the answer?

10 A. No.

11 Q. Okay. All right. So you would use
12 your -- did you use your personal iPhone to
13 make work-related calls?

14 A. Yes.

15 Q. When you would send RNC-related
16 emails, did you always use your RNC account?

17 A. I can't say that I've never --
18 generally speaking, yes. And for the most
19 part, most -- I would say almost all outbound,
20 if you will. But if someone were to email me
21 on a personal -- I can't say that that never
22 happened is probably the best way to say it.

1 Q. Okay. And just so the record's
2 clear, I guess, so you have a personal email
3 account; right?

4 A. Correct.

5 Q. And sometimes people would email you
6 on that account about -- about RNC-related
7 matters?

8 A. Well, I --

9 MR. BURCHFIELD: Object to form.
10 You may answer.

11 Q. Is that correct?

12 THE WITNESS: I'm sorry?

13 MR. BURCHFIELD: You may answer.

14 A. I can't recall a specific instance
15 but I'm sure it's possible.

16 Q. Okay. And did you send RNC-related
17 emails from your personal account?

18 A. I'm sure it happened, but I can't
19 recall a specific instance.

20 Q. Okay. Did you have any sort of
21 regular note-taking process that you engaged
22 in?

1 A. Could you be more specific by what
2 you mean by that?

3 Q. Sure. Do you take notes as a regular
4 practice?

5 MR. BURCHFIELD: As of Election Day
6 2016.

7 MR. KAUL: Yes.

8 A. I would write down -- I -- I get --
9 with -- you know, again, I would ask you to be
10 more specific because -- would I write down
11 incoming calls or -- or messaging points? I
12 didn't -- if you are asking did I, like -- what
13 the definition of "notes" is -- actually is, I
14 think, important.

15 Q. Okay. Do you have some sort of
16 notebook or journal that you regularly keep
17 with you, as of Election Day 2016?

18 A. I had a book that would maintain
19 phone numbers, you know, record -- you know,
20 calls to return, notes about an interview, so
21 here are the messaging points for this
22 particular interview, here's a reporter I need

1 to follow up with.

2 But if you're getting at did I diary
3 at the end of the day here's what happened, no.

4 Q. Okay. So you had a -- a book that
5 you kept with you regularly; right? A notebook
6 that you kept with you regularly? Or what was
7 the form of that book you're discussing?

8 A. I had a notebook in which I would
9 note down, you know, calls that I had to
10 return, issues that I had to address, or
11 messaging points that we wanted to communicate
12 or -- or -- of that nature. Is that --

13 Q. Okay. You didn't have any means of
14 sort of keeping track of what was discussed at
15 meetings and that sort of thing?

16 A. If in a meeting somebody -- you know,
17 again, as it related to my job. So if we were
18 having a meeting about what message points do
19 we want to get out, then I might write down,
20 you know, here are the three things that we
21 want to communicate, or I need to follow up
22 with this individual. But it wasn't an attempt

1 to memorialize as a stenographer would do.

2 Q. All right. Let me sort of -- what
3 I'd like to do next is sort of walk through
4 your day on Election Day 2016. So let me start
5 with do you recall when you began your work day
6 on Election Day?

7 A. I do not.

8 Q. Okay. Do you know approximately what
9 time of day it was?

10 A. I would assume, you know, 7, 8 a.m.

11 Q. Okay. And do you know where you went
12 for work that day?

13 A. Yes.

14 Q. Where was that?

15 A. Trump Tower.

16 Q. Okay. And when you -- I guess what
17 I'd like you to do is sort of walk me through
18 the process of what happens when you get to
19 Trump Tower.

20 So you first enter some sort of lobby
21 or atrium; correct?

22 A. Correct.

1 Q. And then how do you actually access
2 the upper floors of the building?

3 Do you have to go through security
4 first of all?

5 A. So primarily we would work out of the
6 14th floor. You would take the elevator to 14.
7 There was a elevator operator who -- you know,
8 he would generally know who you were. You'd
9 get out at 14 and then walk into the work area.

10 Q. Okay. And so 14 is where the RNC's
11 offices were located in Trump Tower?

12 A. There were no RNC offices as far as I
13 know.

14 Q. Okay. What was located on 14?

15 A. The campaign work area. It was a --
16 and various offices of campaign officials.

17 Q. Did you regularly work out of Trump
18 Tower prior to Election Day?

19 A. Yes.

20 Q. And the 14th floor is where you would
21 regularly work?

22 A. Yes.

Page 27

1 Q. Did you -- first of all, when you get
2 to the elevator, was there any sort of sign-in
3 book or place where you had to put your name
4 down?

5 A. No.

6 Q. All right. So on Election Day when
7 you took the elevator, did you go to the 14th
8 floor?

9 A. I can't recall specifically but I
10 think that's a safe assumption.

11 Q. Okay. Was -- is there any sort of
12 check-in on the 14th floor?

13 A. No.

14 Q. Is there security on the 14th floor?

15 A. By "security," can you please --
16 what -- what do you mean by that?

17 Q. Is there a security officer?

18 A. If there was a protectee on the
19 floor, there would be Secret Service, but
20 otherwise, no.

21 Q. Okay. There are no metal detectors?

22 A. No.

1 Q. Okay. All right. Let me show you --

2 MR. BURCHFIELD: And again, we're
3 all talking as of Election Day. I think
4 things may be different today.

5 MR. KAUL: Right: Let me show you
6 a document.

7 THE REPORTER: I've marked
8 Exhibit 3.

9 MR. BURCHFIELD: This was number 3.
10 (Spicer Exhibit No. 3 was marked for
11 identification.)

12 BY MR. KAUL:

13 Q. All right. There's a document in
14 front of you, Mr. Spicer. It's marked as
15 Exhibit 3. And this is a document that was
16 produced to the DNC by the RNC shortly before
17 your deposition.

18 And this -- does this appear to you
19 to be a receipt from a personal car service
20 that you utilized?

21 A. Yes.

22 Q. Okay. And there's a date and a time

1 on this that indicates that it was used at
2 about 10:06 a.m. on Tuesday, November 18, 2016.

3 Do you see that?

4 A. I do.

5 Q. Based on that, is it your
6 understanding that you likely arrived at Trump
7 Tower sometime around 10 a.m.?

8 A. No.

9 Q. Okay. Do you know what this would
10 have related to?

11 A. Yes.

12 Q. What's that?

13 A. An interview on NB -- MSNBC.

14 Q. Okay. So -- so prior to this
15 interview were you at Trump Tower?

16 A. I can't -- I -- I think that's a safe
17 assumption.

18 Q. Okay. Before leaving for MSNBC do
19 you know if you were on the 14th floor the
20 entire time you were at Trump Tower other than
21 as you were entering and exiting the building?

22 A. I can't recall specifically.

1 Q. Okay. Do you have any recollection
2 of going to the 5th floor during that period of
3 time?

4 A. I do not.

5 Q. Do you remember who was on the 14th
6 floor that day?

7 A. I do not.

8 Q. Okay. Are there specific people who
9 you remember seeing on the 14th floor that day?

10 A. So I think obviously later towards
11 election night, absolutely there was --
12 that's -- there was a lot of people gathered.
13 The president-elect, the vice president-elect,
14 most of the campaign staff, supporters.

15 I'd be glad to kind of walk you
16 through. I mean, deputy campaign manager Dave
17 Bossie was there. Kellyanne Conway, the
18 campaign manager. Steve Bannon. Jason Miller,
19 the senior advisor for communications. Hope
20 Hicks, campaign communications. Dan Scavino,
21 director of social media.

22 There was family members and

1 supporters as the evening wore on. Most of the
2 rest of the communications staff was there at
3 one point or another. Bryan Lanza was deputy
4 communications director. Jessica Ditto, deputy
5 communications director. Cliff Sims was one of
6 our rapid response guys. Andy Surabian was
7 director of our war room operations that
8 monitored the news. Kaelan Dorr was Jason
9 Miller's assistant. He was there.

10 Bill Stepien, the political director,
11 was on 14. Governor Chris Christie was on 14.
12 As I mentioned, the vice president with
13 Mrs. Pence was on 14. Ivanka Trump, Jared
14 Kushner were on 14. Don Jr. and Eric Trump
15 were on 14, as were their wives, I believe.

16 I'm just trying to go through. Brad
17 Parscale, the director of digital affairs or
18 whatever. I'm trying to remember his specific
19 title. Cassidy Dumbauld, who worked for Steve
20 Bannon. Giovanna Coia, who worked for
21 Kellyanne. You know, I -- I think most of the
22 campaign staff at some point was -- was there.

1 Reince Priebus, the chairman of the RNC.

2 Again, I'm just trying to rack my
3 brain for additional names. But most of the
4 campaign staff at one point or another would
5 have probably been on 14. My assistant,
6 Vanessa Morrone, was there. Jason Chung, who
7 worked for the RNC. Andy Hemming, who worked
8 for the RNC. Alex Stroman, who worked for the
9 RNC, was there as well. Kelly Love, who was
10 one of the communications staff, was there.

11 Again, I -- I think there was a
12 variety of campaign staff and supporters that
13 at some point had come through 14.

14 Q. Okay. And the people you just
15 listed, those are people you recall seeing the
16 evening of Election Day; is that right?

17 MR. BURCHFIELD: Object to form.

18 A. It depends on -- I mean, you asked me
19 who was on 14, so they were all there at
20 different points.

21 MR. BURCHFIELD: Could you read the
22 original question back before he gave

1 the long list of names? I thought it
2 referred to a different time of day.
3 (The reporter read from the record as
4 follows: "Are there specific people who
5 you remember seeing on the 14th floor that
6 day?")

7 BY MR. KAUL:

8 Q. And your answer began with "So I
9 think obviously later towards election night."
10 Do you recall that?

11 A. I do.

12 Q. So -- okay, so -- but the people you
13 described, I just -- I want to make sure the
14 record's clear. Those are people you saw
15 throughout the day on the 14th floor? And I'm
16 not saying you saw an individual all day long
17 on the 14th floor, but --

18 A. Correct. The --

19 Q. -- the -- over the course of the day.

20 A. Correct. The answer -- those
21 individuals' named were on 14 at some point
22 during that time.

1 Q. Okay. All right. So -- so you went
2 to MSNBC a little bit after 10 a.m.; is that
3 right?

4 A. That -- according to that document,
5 yes.

6 Q. Does that sound correct to you?

7 A. It does.

8 Q. Was that the first place you went
9 aside from Trump Tower that day?

10 A. I can't be certain.

11 Q. Okay. To the best of your memory?

12 A. I can't be certain.

13 Q. Well, I'm asking for what the best
14 memory you have is.

15 A. I -- I don't remember a lot of that
16 day. It's Election Day. It's a very busy day.
17 I -- I -- it -- I know I went there. I went to
18 a lot of places that day, met with reporter --
19 you know, meeting with reporters and doing
20 television hits. I don't believe, but I -- I
21 would have to check. I don't -- I don't recall
22 an early morning TV hit, but it's very

1 possible.

2 Q. Okay. And so for the interview at
3 MS --

4 A. I mean, I think that could be -- it
5 should be searchable.

6 Q. For the interview at MSNBC, did you
7 go to Rockefeller Plaza?

8 A. I did.

9 Q. Okay. Do you recall where you went
10 after that?

11 A. Yes.

12 Q. Where was that?

13 A. Fox News.

14 Q. Okay. And did you do another
15 interview there?

16 A. Yes.

17 Q. And where did you go after that, if
18 you remember?

19 A. I don't recall.

20 Q. Do you remember approximately what
21 time of day you went to Fox News?

22 A. Shortly after the MSNBC hit.

1 Q. All right.

2 A. So remember, this is just what time
3 the car picked up, so I can't recall what time
4 I was actually on or not, but that should all
5 be easily searched on the Internet.

6 Q. After -- what was the Fox News
7 appearance, an interview?

8 A. It was a Fox Business interview, and
9 then I met with executives from Fox to discuss
10 the state of the race.

11 Q. Okay. And that was near the Fox
12 studios?

13 A. It was at the Fox studios.

14 Q. And do you recall approximately when
15 you left Fox studios?

16 A. I do not.

17 Q. Okay. Would it have been in the
18 afternoon?

19 A. Again, I would suggest to you that --
20 that I went from 30 Rock to Fox, I did an
21 interview on Fox Business, I met with
22 executives. I think if you were to search

1 that, you would -- you know, the -- the meeting
2 with the executives happened immediately
3 following the appearance, so that should give
4 you a timeline.

5 Q. All right. After the meeting with
6 the executives at Fox News, what did you do
7 next?

8 A. I don't recall.

9 Q. Did you get lunch at some point in
10 there?

11 A. I'm sure I did. As you can -- as I
12 stated, it's an election day. It's very busy,
13 very hectic. I'm sure I got something to eat
14 at some point but I can't be -- you know, I
15 can't remember what I ate or where.

16 Q. Right. Do you know if you returned
17 to Fox -- or, I'm sorry, to Trump Tower after
18 you were at Fox News?

19 A. I'm sure at some point that
20 afternoon, yes.

21 Q. Did you have any other media
22 appearances that you recall after the Fox

1 News --

2 A. Yes.

3 Q. -- appearance?

4 Did you have any other media
5 appearances before you returned to Trump Tower?

6 A. I don't recall. Again, I think
7 that's a fairly searchable -- I would suggest
8 searching CNN. That would seem -- seems likely
9 because it's -- you know, we coupled the
10 beginning, and then CNN's more up at Columbus
11 Circle, but I think all of that's searchable.

12 Q. Okay, yeah. And to be clear, I'm
13 sort of just trying to sketch out a timeline of
14 what your day looked like. And so I realize
15 you don't remember all the media appearances to
16 the precise, you know, minute or detail. Okay,
17 but -- so after the Fox News appearance and the
18 meeting with executives, you went back to Trump
19 Tower; is that right?

20 A. At some point.

21 Q. Okay. Do you remember approximately
22 when you got back to Trump Tower?

1 A. I do not.

2 Q. Do you remember if it was after noon?

3 A. I know I was there in the afternoon,
4 yes.

5 Q. And once you returned to Trump Tower,
6 where did you go?

7 A. I would have been on the 14th floor.

8 Q. Okay, okay. And after you returned
9 to Trump Tower on Election Day, did you leave
10 the building for other media interviews that
11 day?

12 A. I -- I don't -- I don't recall.

13 Q. Okay. And once you returned to the
14 14th floor on Election Day, do you remember
15 what you did?

16 A. No.

17 Q. Okay. What were your sort of
18 overall --

19 A. I did have an interview on PBS at
20 approximately 6 p.m.

21 Q. And was that interview conducted at
22 Trump Tower?

1 A. Yes.

2 Q. Did you have any specific assigned
3 duties on Election Day?

4 A. No.

5 Q. Okay. What did you -- you -- I mean,
6 you were working for the RNC that day; correct?

7 A. Correct.

8 Q. What did you regard as your role that
9 day?

10 A. Two things. As I said, I met with
11 Fox executives. I met with other reporters at
12 NBC as well to communicate what the party had
13 done to get out the vote, the investment that
14 we'd made in data and digital over the -- from
15 the previous cycle.

16 And so my first and foremost priority
17 was to communicate the efforts that the RNC had
18 made to grow our vote, to encourage people to
19 get out and vote, the message that we'd sent,
20 the tactics that we were using to get out the
21 vote, early vote, you know, late vote, and how
22 the investment in data and digital had enhanced

1 that effort, and then obviously why I thought,
2 you know, we were going to be successful up and
3 down the ballot.

4 Q. And where did the PBS interview at
5 6 p.m. take place?

6 A. In the Trump Towers, in the
7 television studio that the campaign had set up.

8 Q. Okay. So you said that when you
9 returned to Trump Tower you were on the 14th
10 floor.

11 A. Correct.

12 Q. Do you recall at what point you left
13 the 14th floor?

14 A. Not -- not specifically.

15 Q. Okay. The television studio at Trump
16 Tower, what floor is that on?

17 A. 5.

18 Q. So certainly for the 6 p.m. PBS
19 interview you would have gone down to 5; is
20 that right?

21 A. Correct.

22 Q. Do you know if you went down to 5

1 prior to the period immediately preceding that
2 interview?

3 A. I do not.

4 Q. You don't know one way or the other?

5 A. Correct.

6 Q. So between returning from the Fox
7 News interview and the PBS interview, do you
8 have any recollection of what you did?

9 A. I do not.

10 Q. Okay. You remember you were on 14
11 for part of that window at least; right?

12 A. Correct.

13 Q. And you're not sure whether you were
14 on 5 for part of that window?

15 A. I know the interview happened, so I
16 would have gone to -- then. I don't recall
17 going down prior to that.

18 Q. Okay. So it's possible you were on
19 5. You don't know.

20 A. It's possible that I went -- sure,
21 anything's possible. I don't recall going down
22 prior to that interview.

1 Q. Okay. So the interview took place at
2 6 p.m. you said; is that right?

3 A. Again, I think it's in that time
4 frame. It's -- the PBS NewsHour, I believe
5 that's when it airs. It aired live. But
6 again, all of that's verifiable by a simple
7 search.

8 Q. Okay. And after the PBS interview,
9 do you know what you did next?

10 A. I don't. I mean, I -- I can't --
11 I -- I don't know -- no, I don't know what -- I
12 mean, I headed back up to 14, which is where
13 our work space was.

14 Q. Okay. So after returning to 14, do
15 you know approximately how long you were on the
16 14th floor?

17 A. I don't. I know at some point I went
18 and changed clothes, you know, at my hotel, so,
19 you know, I would have -- to -- to have gone
20 and freshen up, so I -- I -- at some point I
21 left the building, you know, and I -- I can't
22 say precisely how long it took, but I -- my

1 hotel was four or five blocks maybe away and,
2 you know, so I -- at some point, I left after
3 that interview and changed and then came back.

4 Q. Do you remember how long you were
5 away from the building?

6 A. I have no idea.

7 Q. Okay. Would it be fair to put it at
8 something like half an hour?

9 A. I -- again, I -- you can go -- you
10 could walk the distance and then give some time
11 to change and get -- you know, and then come
12 back. There was no urgency to rush back, if
13 you will, so I -- I don't know. I think it's
14 safe to say a minimum of half an hour.

15 Q. Okay. Would it be fair to say it's
16 less than an hour?

17 A. I -- no, it wouldn't. I don't know
18 and I don't -- I mean, I -- I -- just in terms
19 of travel time, I think it's fair to say a
20 minimum, but if it's -- you know, again, I -- I
21 don't -- I don't want to say it's fair or not
22 but it's -- I -- I know that it's -- it took a

Page 45

1 while to walk there, I changed clothes, I got
2 ready, came back so, you know.

3 Q. Okay. And now, do you remember -- so
4 just to go back a step, you did the PBS
5 interview.

6 A. Uh-huh.

7 Q. And then you went up to the 14th
8 floor to work for a while?

9 A. Well, I -- I mean, I went back -- I
10 mean, there was no work space at that time on 5
11 so you would have -- I mean, you would have
12 done your hit and gone back up would have been
13 the normal pattern.

14 Q. Okay. So you went up to 14 and then
15 after some period of time you went to change
16 clothes?

17 A. Correct.

18 Q. Do you remember how long you were on
19 the 14th floor between the PBS interview and
20 going to change clothes?

21 A. I do not.

22 Q. Okay. Do you have an approximation

1 of how long it was?

2 A. I do not.

3 Q. Do you know if it was under an hour?

4 A. It had to be.

5 Q. Okay. So you would have left then to
6 change clothes somewhere in the ballpark of
7 about 7 o'clock; is that right?

8 A. Again, I think, knowing what time
9 the -- the PBS hit was, you know, it depends on
10 when that was. I can't -- I mean, it's an
11 hour -- I think it's an hour-long show. So if
12 it was at 6:30, I can't -- I honestly can't
13 remember what time it was, but went up
14 probably, and then I -- I know that I didn't --
15 I went, like I said, changed or whatever at the
16 hotel, came right back and was back in time for
17 poll -- you know, for -- as all the polls
18 started to close. So, you know, there --
19 there's a range within, say, a couple hours,
20 but that's the best I can do.

21 Q. Okay. Do you know approximately what
22 time you returned? Well, I guess let me first

1 ask you a foundational question.

2 After changing your clothes did you
3 then return to Trump Tower?

4 A. Yes.

5 Q. Okay. Do you know approximately what
6 time that was?

7 A. 7:30, 7, 7:30, 8 o'clock. So again,
8 it was a quick, you know, it -- somewhere in
9 that -- that -- that ballpark.

10 Q. The ballpark being roughly 7 to
11 8 o'clock?

12 A. Yeah, I think -- yes.

13 Q. Was it before polls started closing?

14 A. I can't recall.

15 Q. Okay. All right. And when you
16 returned to Trump Tower at that time after
17 changing your clothes, where did you go?

18 A. In all likelihood, straight to 14.

19 Q. And do you remember what you did on
20 the 14th floor after you returned?

21 A. No.

22 Q. Are there any things you remember

1 doing after you returned to the 14th floor at
2 that point?

3 A. No. I mean, again, you're -- it's
4 Election Day of -- so I think -- I'm sure I was
5 monitoring, you know, media reports and -- and
6 getting calls from reporters or emails. But, I
7 mean, that's -- that's -- there's a -- you
8 know, anyone who's been around elections knows
9 that around poll closing people are calling,
10 what are you hearing. So I'm sure I had a
11 variety of phone calls, but -- or emails, but
12 I -- I can't recall anything specific.

13 Q. Okay. After returning to the -- the
14 14th floor, at that point, do you recall how
15 long you stayed on the 14th floor?

16 A. No.

17 Q. Do you remember if it was more than
18 an hour?

19 A. I -- that doesn't seem right.
20 Somewhere -- I mean, it's -- I -- no, I don't.
21 I don't specifically recall.

22 Q. Do you remember where you went next?

1 A. Yes.

2 Q. Where was that?

3 A. To a utility room on the 5th floor.

4 No, I'm -- that's best way to describe it but
5 it was sort of a oversized utility room.

6 Q. Okay. And why did you go there?

7 A. So the political director, Bill
8 Stepien, had set up a projector that on a
9 screen had live results coming in. The RN --
10 let -- let me step back. The RNC had provided
11 a program, I guess you could call it, that
12 showed -- and I think they subscribed to a
13 service, whether it's the Associated Press or
14 what have you, I can't recall specifically --
15 that sort of was -- was showing live results as
16 polls closed, you know. So he had it on a
17 screen so that you could look at different
18 battlegrounds. And within that room was sort
19 of a senior group of folks watching the --
20 the -- the live results come in as the polls
21 closed.

22 Q. Okay. And do you know approximately

1 what time you --

2 A. About the --

3 Q. -- went down there?

4 A. I remember that this is probably
5 somewhere between 8:15 and 8:30.

6 Q. So this would have been -- you're
7 talking Eastern Time; right?

8 A. Correct.

9 Q. So polls would have still been open
10 in a lot of the country at that point; right?

11 A. I don't -- I mean, I know for the
12 battleground states that we were specifically
13 monitoring, Florida closes at 7, 8 in the
14 panhandle. That would have closed. I think
15 North Carolina had closed. Virginia had
16 closed. Pennsylvania probably had closed.
17 Most of the states that -- that were among the
18 battleground states I believe closed.

19 Q. Wisconsin would have been later;
20 right?

21 A. I -- I -- off the top of my head I
22 can't remember what time Wisconsin polls

1 closed.

2 Q. Colorado would have been later?

3 A. Again, that's a easily -- I -- I can
4 tell you, as I mentioned, I was there between
5 8:15, 8:30. I think it's -- it's public
6 knowledge what time polls closed.

7 Q. Okay. So you said you were in an
8 oversized utility room?

9 A. Correct.

10 MR. KAUL: I want to show you a
11 picture.

12 (Spicer Exhibit No. 4 was marked for
13 identification.)

14 BY MR. KAUL:

15 Q. All right. You're looking at what's
16 been marked as Exhibit 4. And I'll just tell
17 you, this is a photograph that I found online.

18 A. Uh-huh.

19 Q. Is this the room that you're talking
20 about?

21 A. No.

22 Q. Okay. Is -- do you recognize this

1 room?

2 A. It appears to be a, for a lack of a
3 better word, the open space area of the 5th
4 floor.

5 Q. Okay. Can you just sort of, so I
6 understand, describe how that 5th floor is laid
7 out?

8 A. There's an open space area as
9 pictured here. I'm -- unfortunately, I can't
10 really tell the angle, but on one end of the
11 room is the television studio.

12 Q. Okay.

13 A. And then kind of -- as you can see in
14 this picture, there's a flat wall; right? On
15 the opposite end would be sort of offices, if
16 you will. And I only say that because
17 they're -- they're -- I don't think they're
18 intended for people to work in, but there's --
19 there's rooms.

20 Q. Makeshift offices?

21 A. Correct.

22 Q. Okay. That would be off to the left

1 here?

2 A. Again, I -- the orientation of this
3 picture, I'm not entirely sure what angle it's
4 taken from. But, as I said, on one far end of
5 the room is the television studio. It's --
6 there's a separate -- I mean, there's a, you
7 know, a door that -- a makeshift door that was
8 made, a closed-off area for a studio. You've
9 got this open area that's depicted here in the
10 picture. And then around the edges are a
11 handful of, as you put it, makeshift offices.

12 Q. Okay. And then you described before
13 the utility room.

14 A. Uh-huh.

15 Q. Where would that have been?

16 A. On the opposite -- so, as I said, one
17 end of the room had a television studio. The
18 end closest to the staircase up was -- was
19 where the utility closet was. So I don't --
20 I -- I'm not looking to -- but I'm -- I'm -- in
21 this picture that you have in front of me, at
22 one end would have been the television studio.

1 On the other end closest to the staircase would
2 have been this utility closet area.

3 Q. Okay. And just so the record's
4 clear, so there's -- you see the exit sign in
5 that picture?

6 A. I do.

7 Q. So just to make sure I'm
8 understanding correctly --

9 A. So if I --

10 Q. I'm sorry.

11 A. Yeah, I would -- I -- I believe,
12 based on this, that that exit sign, right
13 through there would have been the television
14 studio. And at the far end of the picture, the
15 opposite end of that would have been the
16 staircase that would have come down, and the
17 utility room right there.

18 Q. Okay. All right. So you talked
19 earlier today about going down to the 5th floor
20 for an interview with PBS.

21 A. Correct.

22 Q. When you would go from the 14th floor

1 to the 5th floor, how did you -- did you -- did
2 you take an elevator?

3 A. No.

4 Q. Okay. How did you get down?

5 A. Stairs.

6 Q. Okay. All right. And where did the
7 stairs lead to on the 5th floor? I can clarify
8 that question if that's not clear.

9 A. Please do.

10 Q. When -- when -- after you've taken
11 the stairs down to the 5th floor, where within
12 the 5th floor do you come out?

13 A. To this -- as we're looking at -- as
14 we're looking at the picture, it appears as
15 though it's on this far right end where I --
16 where I -- on our -- for all of us who have the
17 picture, on that far right end. I -- I -- I'm
18 pretty sure on the orientation of this picture
19 now that this is -- I mean, there's two ways in
20 which this photo could be taken, and I'm --
21 I'm -- based on what I believe is the -- the
22 depiction of it, you would -- the stairways

1 would have come right out here on the far right
2 part of the picture.

3 Q. Okay. And that's where the -- near
4 where the utility room you were describing is?

5 A. Correct.

6 Q. Okay. And after you come down the
7 stairway, do you open a door that leads
8 immediately into the utility room, or is there
9 something in between?

10 A. No. So you would walk down the
11 stairway, turn left, walk against the wall 10
12 strides, and there's a door.

13 Q. Another door?

14 A. To this utility room.

15 Q. Okay. Was there any signage on that
16 door?

17 A. On what door?

18 Q. The door that you would open to enter
19 the utility room.

20 A. No.

21 Q. Was there any signage as you got to
22 the 5th floor?

1 A. Let me take that back.

2 Q. Go ahead.

3 A. It's very possible there was a Trump
4 campaign sign.

5 Q. Okay. Was there -- so was there any
6 signage -- signage as you got to the 5th floor?

7 A. That said -- there was -- as you can
8 imagine, it's a campaign headquarters. There
9 was signage all over the place, Vote Trump,
10 Trump-Pence, you know, Veterans for Trump. So
11 there was signage, yes.

12 Q. This is inside the utility room
13 you're talking?

14 A. I'm sorry, you -- can you -- where --

15 Q. So --

16 A. Where were --

17 Q. So once you take the last step --

18 A. Yeah.

19 Q. -- that lands you on the 5th floor,
20 you said you walked down a hallway that goes
21 about 10 feet?

22 A. No, I did not.

1 Q. Okay. Can you correct me?

2 A. You can -- I will. So when you walk
3 out of the stairs, you're in this open room
4 that you see in this picture.

5 Q. Okay.

6 A. Okay? You bear left, and against the
7 far -- against the -- the -- so you walk down
8 the stairs, you turn left, you're in the room
9 that you see here, and the door to the utility
10 closet is roughly 10 to 15 paces down, right
11 about, you know, to the far end of the photo,
12 if you will, on the -- on the right side.

13 Q. Okay.

14 A. But you can clearly see throughout
15 the photo that you've handed me that there's
16 plenty of signage throughout that room.

17 Q. Okay. So the stairwell leads
18 directly into this large --

19 A. That's correct.

20 Q. -- open room. Okay.

21 A. The stairwell would come down. If
22 you -- if I'm looking at the picture correctly,

1 where this photo cuts off, there's a -- there's
2 a little -- the room jets out a little and the
3 stairway is right there.

4 Q. Okay. And is there a door between
5 the stairs and this large open room?

6 A. I believe so.

7 Q. Okay. Did that door have any signage
8 on it?

9 A. I -- it might have had a -- I don't
10 know that the door was ever closed. It was
11 generally open so you could walk up and down.

12 Q. Okay.

13 A. It may have had some -- I -- I don't
14 recall.

15 Q. All right. Is there another way to
16 enter this space on the 5th floor?

17 A. Yes.

18 Q. Have you entered the 5th floor that
19 other way?

20 A. Over the course of the campaign, yes.

21 Q. And how do you go about entering this
22 space at that --

1 A. So if you -- what appears to be -- if
2 you see where that exit sign is, there's a bank
3 of elevators that the elevator -- the elevators
4 technically can drop off on 5. Earlier in the
5 campaign that was utilized, but that had pretty
6 much been entirely shut off by the Secret
7 Service.

8 So the answer is without Secret
9 Service personally utilizing the elevator or
10 the escalators up to 5, you couldn't get
11 through.

12 Q. Okay.

13 A. Stairs were the only practical --
14 were the only normal way of getting on the 5th
15 floor.

16 Q. Okay.

17 A. That make sense? For security
18 reasons, after Candidate Trump became the
19 nominee, they made it very arduous to -- to
20 utilize anything but the stairs.

21 Q. And you said the door that led from
22 the stairs to the 5th floor was regularly open?

1 A. I did.

2 Q. Okay. And that's so people could go
3 back and forth easily?

4 A. I would assume so.

5 Q. Okay. What was -- what campaign
6 activity was set up on the 5th floor on
7 Election Day?

8 A. So you had a studio that was set up.
9 Obviously, that was fairly regular. The
10 area -- then you have the utility room that I'd
11 previously described where later in the evening
12 we gathered to watch the -- the results as
13 reported by, I think it was the AP, as they
14 were finalized. We gathered in that room.

15 And then on the main floor there were
16 some campaign staff that liaised on with the --
17 with the state field staff. But that's kind of
18 outside of my purview. I didn't -- that was
19 a -- more of a political function. So in other
20 words, they had tables with staff that was like
21 liaising with state field staff.

22 Q. Okay. And that was Trump campaign

1 staff?

2 A. I -- I got to be honest. I don't --
3 I don't know who all of them were.

4 Q. Okay.

5 A. They could have been volunteers, they
6 could -- I -- I don't know.

7 Q. Do you know any -- whether any of the
8 people there were RNC staff?

9 A. No.

10 Q. Sorry, let me ask that in a clear
11 way. No, you don't know, or no, they were not?

12 A. No, they were not.

13 Q. Okay. And then you mentioned there
14 were some makeshift offices along this wall as
15 well.

16 A. Yes.

17 Q. What campaign activities were going
18 on there?

19 A. I have no idea. I don't even know
20 that they were utilized.

21 Q. Okay. Were there -- were there
22 people in those offices?

1 A. I don't know.

2 Q. Okay. And so you said that in this
3 big open space in the middle there were tables
4 set up on Election Day?

5 A. Yes.

6 Q. Okay. So when you would come down to
7 5, you would walk through the -- this big open
8 area and then out by that exit sign to where
9 the studio is; is that right?

10 A. Correct.

11 Q. Okay. Do you know what campaign
12 activities were taking place in the utility
13 room on Election Day?

14 A. Well, up until -- I don't know what
15 may or may not have happened before I went
16 there, but it was, as I mentioned,
17 approximately 8 o'clock-ish, that was where the
18 results came in. The -- the -- you know, as --
19 as the -- as I previously described, as polls
20 closed, we would -- you know, whatever feed, I
21 believe, as I mentioned, I believe it's the
22 Associated Press, we -- we -- we had subscribed

1 to that feed to say here's where -- here's
2 what's closed and what's in.

3 Q. All right. And so you said you went
4 to that utility room around -- something --
5 slightly after 8 p.m.; is that right?

6 A. Somewhere in that ballpark.

7 Q. Okay. And how long were you there?

8 A. 40 minutes, an hour, somewhere in
9 there. Obviously, I can't recall specifically.

10 Q. All right. And who was in the room
11 at the time?

12 A. As I mentioned, Bill Stepien, who was
13 the political director. Eric Trump, Lara
14 Trump, Ivanka Trump, Jared Kushner, Steve
15 Bannon, who was the campaign's chief
16 strategist. Vice -- Governor Mike Pence at the
17 time. I believe his wife Karen came down at
18 some point, but I can't be certain of that.
19 Governor Chris Christie. Hope Hicks, who was
20 one of the communications staffers. Reince
21 Priebus, the chairman of the RNC. I think Dan
22 Scavino, who was running social media, was down

1 there at some point. Dave Bossie, who was the
2 deputy campaign manager. I'm sure there was a
3 few others but I wasn't -- I mean --

4 Q. Do you know whether Brad Parscale was
5 there?

6 A. I don't. He would have been hard to
7 miss, but I don't.

8 MR. BURCHFIELD: Could you read
9 that question back, please? I'm sorry,
10 I missed it.

11 (The reporter read from the record as
12 follows: "Do you know whether Brad
13 Parscale was there?")

14 BY MR. KAUL:

15 Q. All right. And so can you walk
16 through what happened while you were in the
17 utility room?

18 A. So on the wall, as I -- was a
19 projector, or, excuse me, was a -- a image
20 that -- from a projector, the -- that was
21 hooked up to a computer. The RNC had -- and
22 again, I -- I -- I don't recall. I think it

1 was the Associated Press had paid for a feed
2 from one of the services that, when polls would
3 close, sort of give you the, you know, the --
4 the number of people who had voted when -- when
5 a county or a state reported it in.

6 And it was projected so they -- they
7 would -- Bill Stepien, the political director,
8 would kind of just keep flipping it state by
9 state, you know, Florida, North Carolina. I
10 think -- I'm sure there were a few other
11 battleground states. And just kind of looking
12 at what -- what counties had come in, what
13 counties hadn't come in and, you know, what
14 we -- what we thought we -- how we had done
15 based on what had been -- what the Associated
16 Press or whoever this service was reported that
17 had -- you know, the -- what vote had been
18 reported being, you know, final.

19 Q. And so you said you were there for I
20 think somewhere in the range of 40 minutes to
21 an hour; is that right?

22 A. Correct.

Page 67

1 Q. And during the time you were there, I
2 think you said you saw results coming in. Was
3 somebody narrating what you were seeing?

4 A. No. As I'd mentioned, there's a --
5 there's a computer program. The image is on
6 the screen, and so as -- and again, for the
7 sake of this can we just assume it's the
8 Associated Press? I'm not trying to --

9 Q. That's fine.

10 A. But whatever service we had would
11 sort of take that vote and put that image up;
12 right? So if it was Florida and the Associated
13 Press said Broward County's in, it would show
14 Broward County, you know, is in, and it would
15 have the vote total, you know, X votes in,
16 Broward County, Miami-Dade, X number of votes.
17 You know, as polls closed, how many votes had
18 come in.

19 Q. And were you having conversations
20 during this time period?

21 A. Yes.

22 Q. Okay. Do you recall what you were

1 discussing?

2 A. Yes.

3 Q. Okay. What was that?

4 A. What counties were in, what counties
5 weren't.

6 Q. Who were you talking to?

7 A. I -- I previously mentioned the --
8 the folks in the room. It was sort of a, for
9 lack of a better term, a collective
10 conversation where you would see something come
11 in and say, you know, is that good for us or is
12 that bad for us, i.e., you know, wow, a high
13 vote total there, do we think that benefited
14 us. Hey, we really made an effort in this
15 county. That looks like it might have paid
16 off. So we were just sort of -- we would
17 discuss as these vote totals were finalized
18 whether or not -- what was out, what was not
19 out, and how that portended for how the state
20 might go.

21 Q. Okay. You mentioned before that you
22 were in the utility room and that Mr. Priebus

1 was. Do you recall whether anybody else who
2 worked for the RNC was in that room?

3 A. No.

4 Q. Okay. You were the only two RNC
5 employees you remember being there?

6 A. Yes.

7 Q. Okay. Did you have any instructions
8 not to go to the 5th floor that day?

9 A. No.

10 Q. Okay. Do you know whether the RNC
11 sent out any instructions not to go to the 5th
12 floor that day?

13 A. I do -- I -- I do know, and the
14 answer is no.

15 Q. Okay.

16 A. So just to be clear, the RNC did not
17 send out any instructions regarding the 5th
18 floor of Trump Tower that day.

19 Q. Okay. How do you know that?

20 A. Because I have double-checked with
21 counsel to ensure that I didn't miss anything.

22 Q. Okay. Besides Mr. Priebus and

Page 70

1 yourself, did you see anybody from the RNC on
2 the 5th floor on Election Day?

3 A. No.

4 Q. Okay. Do you have any understanding
5 as to why there were no RNC employees on the
6 5th floor if they didn't have instructions not
7 to be there?

8 A. I can only assume that because there
9 was -- the chairman and myself were the only
10 two sort of senior RNC officials there.

11 Q. Okay.

12 A. Generally speaking, people who are
13 familiar with elections would recognize that
14 where there's sort of -- that -- that the --
15 the sort of nerve center, if you will, or
16 sometimes where votes are being tabulated and
17 you -- you try to limit people who don't need
18 to be in a particular -- and in this case, as I
19 mentioned, it was a utility room. It was
20 rather small. So I don't -- I don't know why
21 they weren't there, but I would assume that
22 they weren't all -- that it wasn't -- they

1 weren't senior.

2 Q. And, I'm sorry, and I -- my question
3 may not have been clear. You're -- you're
4 focusing on the utility room right now and I
5 guess my -- my questions with respect to the
6 entire 5th floor that day. I know you walked
7 through earlier to go to the television studio,
8 for example.

9 Did you see anyone in any part of the
10 5th floor other than Mr. Priebus or yourself
11 who were RNC employees?

12 A. I did not.

13 Q. Okay. Do you know why, even in the
14 other parts of the 5th floor, such as the big
15 open room we talked about, there were no RNC
16 employees that day?

17 A. There was only a handful of employees
18 at any point ever at Trump Tower on Election
19 Day, and I don't believe any of them -- while I
20 can't obviously speak for the other few that
21 were there, none of their jobs were political
22 per se in terms of that.

1 Q. What do you mean?

2 A. In other words, there was someone
3 coordinating some media booking. There was
4 someone doing some coalition work. There --
5 the -- the activities on that floor were
6 political in nature, talking to -- so the -- it
7 wasn't within the purview of the people who
8 were there.

9 Q. The activities on the 5th floor
10 were --

11 A. Correct.

12 Q. -- political in nature?

13 So the RNC engages in activities that
14 are political in nature also; right?

15 A. Correct.

16 Q. Do you know why the people at the RNC
17 who engaged in those activities were not on the
18 5th floor?

19 MR. BURCHFIELD: Objection,
20 foundation.

21 Q. If you know, you can answer.

22 A. I don't -- it's -- they were at the

1 RNC. We -- we ran the field program out of the
2 RNC.

3 Q. Okay. So you mentioned before there
4 were tables set up in the big open room.

5 A. Yes.

6 Q. Do you know approximately how many
7 people you saw at those tables?

8 A. I don't.

9 Q. Do you know if it was over 20?

10 A. That sounds about right.

11 Q. That it was about 20?

12 A. I -- no, that it's -- I'm sorry, more
13 than 20. I -- I didn't -- can't say that I
14 spent a ton of -- that I -- I was looking so
15 I -- I don't know.

16 Q. You didn't do a headcount.

17 A. No.

18 Q. Right. Roughly in the 20 to 30
19 range? Does that sound about right?

20 A. It -- I don't know. I -- I -- again,
21 I was not -- that was not a focus of mine, so I
22 don't know.

1 Q. Okay. I'd asked you earlier about
2 whether you signed a sign-in sheet when you
3 went to the 14th floor.

4 Was there any sign-in sheet on the
5 5th floor?

6 A. No.

7 Q. Okay.

8 A. Not that I'm aware of.

9 Q. How does the press access the part of
10 the 5th floor where the studio's located, if
11 you know?

12 A. I don't believe they ever did.

13 Q. Sorry. The -- you mentioned you did
14 a -- a PBS interview on the 5th floor.

15 A. Correct.

16 Q. Oh, was that -- I see. You were on
17 camera but the press wasn't there; is that
18 right?

19 A. Yeah, it's a satellite studio.

20 Q. I understand.

21 Did you take any pictures on Election
22 Day?

1 A. Yes.

2 Q. Did you take them from your personal
3 device?

4 A. Yes.

5 Q. Did you take any pictures while you
6 were on the 5th floor?

7 A. Yes.

8 Q. Do you recall what you took pictures
9 of?

10 A. Yes.

11 Q. What was that?

12 A. The utility room and the -- the votes
13 being -- you know, as -- as the results came
14 in, I took some shots of that. And then I took
15 photos on the 14th floor later that evening
16 as -- as states were called for -- for
17 President-elect Trump.

18 Q. Prior to the time when you were in
19 the utility room did you take any pictures on
20 Election Day?

21 A. Yes.

22 Q. What were those of?

Page 76

1 A. Various staffers throughout the day,
2 just pose -- I mean, I -- I don't know. I have
3 one of the cowboy who was playing outside of
4 Trump Tower. I have some of the staff that
5 were on the 14th floor during the day.

6 Q. Do you have any pictures from the 5th
7 floor prior to the time you were in the utility
8 room?

9 A. No.

10 MR. BURCHFIELD: I'm sorry. Prior
11 to the time he was in the utility room?
12 Okay.

13 THE WITNESS: Of the 5th floor.

14 MR. BURCHFIELD: Of the 5th floor?

15 MR. KAUL: Pictures taken from --

16 THE WITNESS: I don't --

17 MR. KAUL: -- the 5th floor.

18 THE WITNESS: I don't -- I don't --
19 I don't believe so.

20 MR. BURCHFIELD: Okay. All right.
21 I -- I thought any pictures prior to the
22 time you were in the utility room. But

Page 77

1 your question was limited to any
2 pictures of the 5th floor prior to the
3 time you were in the utility room.

4 MR. KAUL: Taken on the 5th floor,
5 right.

6 MR. BURCHFIELD: Okay. And so
7 you're -- you're okay with that?

8 THE WITNESS: I believe so. I
9 think there's a photo of me doing a TV
10 interview, but I believe that's a later
11 interview.

12 BY MR. KAUL:

13 Q. Okay.

14 A. And you know what I mean? There --
15 there's one in the studio with the -- with the
16 backdrop, but I think that's -- I believe that
17 was a later interview that night.

18 Q. Okay. On Election Day did you have
19 any communication with any Republican state
20 chair, man or woman?

21 A. I don't believe so.

22 Q. Did you have any communications with

1 a person named Joe Dozier?

2 A. I don't believe so.

3 Q. Did you take notes on Election Day?

4 A. I don't believe so.

5 Q. Okay. I think you mentioned before
6 you would get calls sort of throughout the day
7 from press.

8 A. That would be typical of an election
9 day.

10 Q. Did -- were you making and receiving
11 phone calls with people besides the press on
12 Election Day?

13 A. I am -- I'm -- I think it would be
14 typical for that to occur.

15 Q. Okay.

16 A. I cannot recall any specific call or
17 email, though.

18 Q. Okay. And that was my next question.
19 Did -- did you send outgoing and incoming
20 emails throughout Election Day?

21 A. I think it would be typical.

22 Q. Outside of the press, do you remember

1 what you were emailing about, if anything?

2 A. I -- I don't, no.

3 MR. KAUL: Okay. All right. Why
4 don't we take a quick break and then --

5 THE WITNESS: Can we keep going?

6 THE REPORTER: Well, I would
7 appreciate a comfort break.

8 MR. KAUL: We'll take a quick
9 break. It'll take 5 minutes. But we'll
10 finish and get you out of here by --
11 before 5. Okay?

12 MR. BURCHFIELD: Great, thank you.

13 THE VIDEOGRAPHER: This marks the
14 end of videotape number 1. Going off
15 record. The time is 2:42 p.m.

16 (Recess taken.)

17 THE VIDEOGRAPHER: This marks the
18 beginning of videotape number 2. Going
19 back on record. The time is 2:58 p.m.

20 MR. KAUL: Thank you. We will go
21 back on the record.

22 BY MR. KAUL:

Page 80

1 Q. Mr. Spicer, I just wanted to follow
2 up on a couple of questions that I'd -- couple
3 lines of questioning I'd started before. One
4 is I asked you about whether you'd spoken to a
5 few people on Election Day. I want to ask you
6 about a few others.

7 A. Okay.

8 Q. Did you speak to Brad Parscale on
9 Election Day?

10 A. I have to believe I did. I can't
11 recall, like, a specific conversation but
12 clearly, as the night went on and it looked
13 good I'm sure at some point our paths crossed.
14 But I don't recall any, like, specific
15 conversation.

16 Q. Okay. What's your understanding of
17 what his role was with the Trump Campaign?

18 MR. BURCHFIELD: Object. And what
19 is the -- what is the reason for that
20 question?

21 MR. KAUL: To inform what they may
22 have discussed that day.

Page 81

1 MR. BURCHFIELD: Why don't you just
2 ask him what they discussed that day?

3 MR. KAUL: Well, he said he doesn't
4 remember so I'm going to try to refresh
5 this way.

6 MR. BURCHFIELD: I think you're
7 beyond the scope here. Clever question,
8 but I think it's beyond the scope.

9 MR. KAUL: Well, I'm trying to
10 think of a way to get at how we can
11 refresh his memory.

12 BY MR. KAUL:

13 Q. Thinking about -- let me try to
14 rephrase in a way that won't cause a dispute.
15 Thinking about this, his duties for the
16 campaign -- I will tell you I believe it's been
17 reported that he was involved in digital
18 operations for the campaign. Did you have any
19 discussions with him about digital operations?

20 A. I don't believe so.

21 Q. Okay. Did you have any discussions
22 with him about turnout?

1 A. No. I mean, just to be clear, I -- I
2 don't recall that, and I would not have --
3 that's not who I would have talked to about
4 turnout.

5 Q. Okay. Who would you have talked to
6 about turnout?

7 A. Someone on the political team.

8 Q. Okay.

9 A. We held regular calls with the media
10 to talk about our turnout operation, and -- and
11 that was a -- a function that -- that the RNC
12 largely led in terms of early vote, absentee
13 vote. We did a lot of get-out-the-vote
14 efforts. And so that would have been something
15 that I would have talked to, you know, our
16 political team about.

17 Q. Okay. Do you know if you would have
18 had any conversations with Mr. Parscale other
19 than pleasantries?

20 A. I doubt it.

21 Q. Did you talk to anybody from
22 Cambridge Analytica on Election Day?

1 A. I don't believe I've ever spoken to
2 anybody from Cambridge Analytica --

3 Q. Okay.

4 A. -- ever. That's employed by them.

5 Q. I understand. You mentioned earlier
6 that there were some employees who worked out
7 of the 14th floor regularly.

8 Do you recall that?

9 A. I do.

10 Q. Other than yourself, did anybody who
11 worked for the RNC work out of the 14th floor
12 with any regularity?

13 A. Yes.

14 Q. Who was that?

15 A. At what time?

16 Q. Let's say Election Day, first of all.

17 A. So my assistant, Vanessa Morrone,
18 would travel with me so she would have been
19 there. There's a gentleman named Jason Chung,
20 who ran some coalition -- some of the coalition
21 work. He worked -- I -- I don't know what --
22 with what frequency but I believe, you know,

1 off and on would travel up -- and I think -- he
2 was -- I'm pretty sure he was there on Election
3 Day.

4 Q. Well, I'll -- and I'll come back to
5 this, but what does coalition work mean?

6 A. Different various groups in support
7 of the Republican party, our -- and -- and, you
8 know, our candidates up and down the ballot.
9 So, for example, veterans or small business
10 owners or different --

11 Q. I understand.

12 A. -- ethnicities. So -- but he would
13 help coordinate with the campaign, so on a
14 regular basis was there. I think he was there
15 on Election Day.

16 Andy Hemming I mentioned did some
17 rapid response work, and I believe he was there
18 on Election Day. A gentleman named Alex
19 Stroman, who helped book Republicans on
20 television that I believe was there on Election
21 Day, so he would help on cable television and
22 radio find Republicans that wanted to go out

1 and talk about the Republican efforts. So
2 he -- he was a regular, I'm fairly certain,
3 on -- there on Election Day. I don't know that
4 there was anybody else.

5 Q. Okay. Is there anybody else who was
6 regularly there who may have been there on
7 Election Day?

8 MR. BURCHFIELD: Object to form.

9 Q. You can answer.

10 A. I -- I -- it -- it was -- it was a
11 very small group of people. The -- as I -- as
12 I just mentioned, I'm just trying to think
13 of -- Lindsay Walters, who was our press
14 secretary, had come up a few times. I don't
15 believe she was there on Election Day, though.
16 Raj Shah, who did -- ran our research division,
17 had come up a few times. I don't believe he
18 was there on Election Day, though. But that --
19 it was a very small group.

20 Q. And do you know why those folks were
21 stationed on the 14th floor rather than the 5th
22 floor?

1 A. Because that's -- up until election,
2 I mean, that -- that's where -- that's where
3 the offices were.

4 Q. Okay. That includes Trump Campaign
5 staff?

6 A. Uh-huh.

7 Q. That's a yes?

8 A. I'm sorry. Yes, that is a yes.

9 Q. There was not campaign activity on
10 the 5th floor prior to that?

11 A. As I've mentioned before, there was a
12 studio there that was utilized, and I do
13 believe some of the data folks worked down
14 there as the election grew closer. But I
15 didn't interact with those folks so I -- I know
16 there were -- as we got closer to Election Day,
17 people would utilize the 5th floor more, but I
18 can't say who and for what.

19 Q. Did you have an understanding as to
20 whether you were permitted to communicate with
21 the data folks on the 5th floor?

22 A. No one had told me don't talk to a

Page 87

1 particular individual, but I don't know that I
2 ever talked to any of them. I mean, so it's
3 sort of a moot point.

4 Q. All right.

5 A. I mean, I -- just to be clear, as I
6 mentioned, I don't know that I would have known
7 who worked down there to begin with so your
8 assumption that there were data folks on the
9 5th floor is something that I'm not willing to
10 stipulate was -- was accurate.

11 Q. Yes, sir. I got that, I think, from
12 your testimony. You said data folks worked on
13 5 as the election approached; is that right?

14 A. Right, as they -- but -- but I
15 wasn't -- I -- I said as I -- I -- from what I
16 understood. Like, I didn't interact with those
17 individuals so what they exactly did, I don't
18 know.

19 MR. KAUL: Let me show you another
20 document.

21 (Spicer Exhibit No. 5 was marked for
22 identification.)

1 BY MR. KAUL:

2 Q. All right, this has been marked as
3 Exhibit 5. This document is an article that
4 was published in Politico about a week ago.

5 Do you see that?

6 A. I do.

7 Q. Have you reviewed this article?

8 A. Yeah. Actually, I think you're
9 wrong, though. I think it was published a
10 month ago.

11 MR. BURCHFIELD: November 10.

12 THE WITNESS: November 10.

13 Q. Oh, I apologize. I was looking at
14 the date on the bottom.

15 A. No problem.

16 Q. Okay, thank you. Okay. But you've
17 read this article before?

18 A. Yes.

19 Q. And that reminds me. Did you review
20 any materials in preparation for today's
21 deposition?

22 A. I did.

1 Q. What did you review?

2 A. I reviewed this article. I reviewed
3 the PBS interview that I did, the
4 aforementioned 6 o'clock hour interview. I
5 looked at the receipt for the car that you've
6 previously shown me. There was an email that
7 had been provided to you of a -- that I had
8 received regarding -- I believe it was
9 television appearances or media, alerts of
10 some -- some -- something like that. I -- I
11 looked at that. And then I'd -- I also
12 reviewed notices, if you will, that -- that
13 counsel's office of the Republican National
14 Committee had provided to staff.

15 Q. And the notices related to the
16 Consent Decree; is that right?

17 A. That is, yes.

18 Q. Had you seen those prior to seeing
19 them in preparation?

20 A. I would think it's -- I -- I -- I
21 don't -- I mean, I worked at the RNC for six
22 years. I can't recall with specificity whether

1 I saw those documents, but they looked
2 familiar.

3 Q. Anything else you reviewed in
4 preparation for the deposition?

5 A. I looked back at text messages that
6 I -- with the Republican National Committee
7 chairman, Reince Priebus, on the advice of
8 counsel.

9 Q. And were those from Election Day?

10 A. There was one, so it's not they. And
11 yes.

12 Q. Okay. And do you recall what the
13 topic of that text message was?

14 A. I do.

15 Q. What was that?

16 A. It was at 9:59 p.m., the chairman
17 sent me the exit poll results in terms of the
18 Hispanic vote that had been reported,
19 President-elect Trump -- well, I was -- it's
20 10 o'clock at night so I'm not sure -- I don't
21 believe it had been called at that time, but
22 where the exit polls showed the Hispanic share

Page 91

1 of the vote in key states versus where it had
2 been for Romney.

3 Q. Okay. Any other communications by
4 text message at that time?

5 A. I can't say I reviewed -- I -- you --
6 as you know, you -- I looked at my
7 communication with the chairman, and that was
8 what I covered.

9 Q. Okay. Okay. Did you speak to
10 anybody about the deposition other than your
11 attorneys?

12 A. I think I let my wife know where I
13 was going to be today.

14 Q. Okay. You don't have to tell me
15 about those conversations either. Aside from
16 your wife, anybody else? Your wife and your
17 lawyers.

18 A. I don't think so.

19 Q. Okay.

20 A. I don't -- I mean, I'm pretty sure
21 no --

22 Q. Okay.

1 A. -- but I --

2 Q. All right, so let me ask you about a
3 few aspects of this article.

4 A. Yeah.

5 Q. So first let me direct your attention
6 to the second page of the article. The second
7 paragraph on page 2 -- well, it makes a few
8 points. I'll go through them one by one.

9 First, it refers to the 5th floor as
10 the nerve center of the Trump Campaign's poll
11 monitoring operation and data war room on
12 Election Day.

13 Do you see that reference, first of
14 all?

15 A. Yes.

16 Q. Okay. Do you know whether it is --
17 that is an accurate description of the 5th
18 floor of Trump Tower on Election Day?

19 A. In terms of the activities?

20 Q. Yes.

21 A. I believe that's accurate.

22 Q. Okay.

1 A. I can't -- again, I -- I was not
2 specifically involved in what they did, but
3 I -- I've read that that's what happened. I
4 wasn't part of that operation.

5 Q. Okay. As of Election Day did you
6 know that that's what it was?

7 A. I -- yes. I knew that that -- I --
8 I -- I mean, I -- I had an -- a strong
9 understanding of what was -- you know, that
10 that's where the people in the states would be
11 interacting with headquarters to call in
12 election results, etc.

13 Q. Okay. And what's your understanding
14 of what the Trump Campaign's poll monitoring
15 operation entailed?

16 A. I don't know. I wasn't -- we had
17 been -- it had been abundantly clear for the
18 six years that I worked at the RNC that the RNC
19 and its employees were prohibited from engaging
20 in Election Day activities, including poll
21 watching, so I intentionally stayed away from
22 all of that.

1 Q. Okay. What's your understanding of
2 what the Trump Campaign's data war room efforts
3 were?

4 A. I don't -- I don't -- I don't know
5 that they -- I'm not really sure what that
6 references. Most of the data was RNC-driven so
7 I think they -- they utilized RNC data. I'm
8 not sure that they -- I'm not sure what that
9 references.

10 Q. Okay. Do you know whether the Trump
11 campaign utilized RNC data in connection with
12 its poll monitoring operation?

13 A. I don't.

14 Q. Okay. The end of this paragraph says
15 that party employees were given strict
16 instructions prohibiting them from going there.

17 Do you see that?

18 A. I do.

19 Q. And so you testified earlier that
20 your understanding is that that is incorrect;
21 is that right?

22 A. Correct.

1 Q. To your knowledge, no RNC employee
2 received any instructions telling them not to
3 go to the nerve center of the campaign's poll
4 monitoring operation and data war room that
5 day; is that right?

6 MR. BURCHFIELD: Object to form and
7 foundation. You may answer.

8 A. I only know what I was -- I was
9 never -- that I was never told anything. And I
10 know that the RNC never instructed the, you
11 know, few employees that were there for that --
12 the -- the -- so I can't speak to what someone
13 else may or may not have been told or why.

14 Q. Okay. But I think you testified
15 before that your understanding from
16 conversations in preparation for the deposition
17 was that there was no instruction given; is
18 that right?

19 A. That's correct.

20 Q. All right.

21 A. Right. That's what I said.

22 Q. Do you know who was on the 5th floor

1 during the portions of the day when you were
2 not present there?

3 A. No.

4 Q. Okay. Do you know who the four
5 people referred to who spoke to Politico in
6 this article are?

7 A. I do not.

8 Q. Okay. But the people who were at
9 Trump Tower are the people you named. The RNC
10 employees who were at Trump Tower were the
11 people you named before?

12 A. Correct.

13 Q. The next paragraph of this article
14 refers to sources who recalled seeing large
15 signs on one of the doors leading to the 5th
16 floor reminding RNC staffers to keep out.

17 Do you see that?

18 A. I do see it.

19 Q. Okay. Do you recall seeing such a
20 sign?

21 A. No.

22 Q. Is it possible that there was one and

1 you missed it?

2 A. Of course it's possible.

3 MR. BURCHFIELD: Objection,
4 foundation. You may answer.

5 A. Of course it's possible. But I went
6 down there, you know, to do a television
7 inter -- I mean, at -- no, it -- it -- it is --
8 yes, it is possible. No, I did not see one.

9 Q. Okay. And actually, you said the
10 door that connected the 14th -- the stairwell
11 that connected the 14th floor and the 5th floor
12 was propped open that day; right?

13 A. There's no door at the top. There's
14 a door at the bottom.

15 Q. Bottom, meaning 5th floor?

16 A. Correct.

17 Q. Okay. And I -- you talked about the
18 Secret Service before. Is there -- having to
19 enter -- or having shut down the elevator
20 entrance. Other --

21 A. I -- yeah, go ahead.

22 Q. Well, I was going to say, other than

1 going through the stairwell through the door
2 you -- you went through, is there a way to
3 enter the 5th floor, or was there on Election
4 Day?

5 A. Not that I -- as I mentioned, there
6 were three ways that you could theoretically
7 get to the 5th floor. One is the stairwell;
8 two is escalators that would have gotten you up
9 there; three is the elevator.

10 To my understanding, the escalator
11 and elevator routes had been shut down entirely
12 so that the only viable option would have been
13 the -- the stairway.

14 Q. Okay. So if there had been any sign
15 reminding RNC staffers to keep out of the 5th
16 floor, that would have had to have been on the
17 door that you were going in and out of?

18 A. I --

19 MR. BURCHFIELD: Object to
20 foundation.

21 Q. You can answer.

22 A. I -- I don't know what -- what -- I

1 mean, it would seem to be the case. But again,
2 I never saw one so I don't know -- I don't -- I
3 think -- so I don't know.

4 Q. I'm -- and I'm just trying to
5 understand. If you're putting up a sign that's
6 discouraging people from coming into the 5th
7 floor, that's the only place one would have
8 reasonably put it because the other entrances
9 are shut down at that time; right?

10 MR. BURCHFIELD: Object to form and
11 foundation.

12 Q. You can answer.

13 A. That would seem to be the case. I
14 think there's an issue with -- there -- there
15 were a handful of RNC employees. It doesn't
16 make any sense that there would have been a
17 sign specifically targeting RNC employees
18 because no one would have even -- that, on its
19 face, it's ridiculous.

20 Q. Okay.

21 A. Right? You -- you realize -- because
22 I just mentioned there's four or five people

1 there, so the idea that you'd put up a sign
2 specifically targeting four or five people
3 doesn't really, you know, on its face make a
4 ton of sense.

5 Q. Okay. Now, the next paragraph refers
6 to a statement made by an unnamed RNC employee
7 who said that the directive to RNC employees to
8 steer clear of the 5th floor was given out of
9 an abundance of caution.

10 Do you see that?

11 A. Yes.

12 Q. Do you know who the RNC employee who
13 made that statement is?

14 A. I do not.

15 Q. Okay. This paragraph then refers to
16 the Consent Decree between the RNC and the DNC.

17 A. Uh-huh.

18 Q. What's your understanding of that
19 Consent Decree?

20 MR. BURCHFIELD: Object to form and
21 foundation.

22 Q. You can answer.

1 A. My understanding is that as part of a
2 legal agreement, the RNC has agreed to pro --
3 to not engage in certain Election Day
4 activities.

5 Q. Okay. And do you know what types of
6 activities they are?

7 A. Poll watching, intimidation, anything
8 that would -- that would lead somebody not to
9 vote or to misdirect them in any way, shape, or
10 form.

11 Q. Okay. And what, if any, impact on
12 your activities did that Consent Decree have?

13 A. None.

14 Q. Okay.

15 A. Well, to the extent that we -- we had
16 made it -- over the course of six years the
17 counsel's office had been vigilant in informing
18 both senior staff and subordinates on the --
19 on -- on the importance of the Consent Decree
20 and the activities that we were clearly not --
21 should not be engaged at or be even perceived
22 as engaging in. And so we had grown accustomed

1 to being -- to -- to not even coming to close
2 to a line that would in any way, shape, or form
3 lead one to believe that we were engaged in
4 those activities.

5 So in terms of your question, we
6 would never -- it didn't -- we had just -- that
7 was part of how we engaged, was to ensure that
8 we didn't do anything that was questionable.

9 Q. Okay. All right. Let me direct your
10 attention to page 4 of the article.

11 A. Okay.

12 Q. The first full paragraph, the second
13 paragraph on the page refers to a former Trump
14 campaign official who said that "We knew there
15 was a strong emphasis that the RNC staff
16 couldn't participate on the 5th floor."

17 Do you see that?

18 A. I do.

19 Q. First of all, you don't know who the
20 Trump campaign official who said that is, do
21 you?

22 A. No.

1 Q. Do -- and I -- this is probably going
2 over something you covered, but is it -- is it
3 your understanding that there was a strong
4 emphasis that the RNC staff couldn't
5 participate -- participate on 5th floor
6 activities?

7 A. No.

8 Q. Okay.

9 A. No, it is not my -- right? So we are
10 clear, I just want to make sure I'm answering
11 that correctly.

12 Q. Yeah, that -- that's fair. Let me --
13 in your view, based on your experience, was
14 there a strong emphasis that RNC staff couldn't
15 participate on the 5th floor?

16 A. No, there wasn't an emphasis on RNC
17 staff --

18 Q. Thank you.

19 A. -- in any way, in any way having to
20 do with the 5th floor.

21 Are we done with Politico?

22 Q. Yes, I think so.

1 A. Okay.

2 MR. BURCHFIELD: We are so done
3 with Politico.

4 Q. So that Politico article references
5 an interview that you gave with GQ.

6 Do you recall that?

7 A. I do.

8 Q. When you gave the -- well, first of
9 all, when did you give the GQ interview,
10 approximately?

11 A. A week before it came out? Somewhere
12 last week of October. I think that it was
13 published like the -- the -- November 8 or
14 something.

15 Q. 7th, but yeah.

16 A. So I think it would have been the
17 last week of October maybe, or the first couple
18 days of November, but somewhere in that
19 ballpark.

20 Q. Okay. And when you were being
21 interviewed, were you the only person being
22 interviewed or were there multiple people being

1 interviewed?

2 A. Just me.

3 Q. Okay. Were you aware that other
4 people who were involved in the 2016 campaign
5 were also being interviewed?

6 A. Yes.

7 Q. Okay. And have you reviewed the GQ
8 article?

9 A. I don't -- I don't -- I'm sure --
10 I've seen it.

11 Q. I'll mark it as an exhibit.

12 A. Yeah, yeah. I mean, I'm not looking
13 to be difficult here. I just can't recall
14 which document. But I am familiar with the
15 article.

16 Q. Right.

17 (Spicer Exhibit No. 6 was marked for
18 identification.)

19 THE WITNESS: Yes, I have seen it.

20 BY MR. KAUL:

21 Q. Okay. So this is --

22 A. So, I mean, recent, I -- I just

1 hadn't seen the color version. Sorry.

2 Q. That's okay. So this is marked as
3 Exhibit 6; correct?

4 A. It is.

5 Q. All right. And that's a copy of the
6 GQ article that we were talking about?

7 A. It is.

8 Q. So let me direct your attention to --
9 this is a little tricky because the pages are
10 not numbered -- by my count, it's the 13th
11 page, and I'll show you what it looks like.

12 A. Okay.

13 MR. BURCHFIELD: This one?

14 MR. KAUL: Yes.

15 MR. BURCHFIELD: Okay.

16 Q. All right. Now, about two-thirds of
17 the way down, there's a paragraph in which
18 you're quoted.

19 A. Uh-huh.

20 Q. Do you see that?

21 A. I do.

22 Q. Have you -- so you said you reviewed

1 the article. Have you reviewed your -- the
2 statements that you're quoted as having given
3 in this article?

4 A. I -- I -- I read it, yes.

5 Q. Did -- were any of the quotes of you
6 inaccurate?

7 A. I don't believe so.

8 Q. Okay. So the reason I asked you
9 about how the interview was conducted is you
10 see how it has a quote from you followed by a
11 quote from Matt Mowers, and it -- there are a
12 number of different people who are quoted, and
13 the quotes are sort of interspersed?

14 Do you see all that?

15 A. I do.

16 Q. Okay. So those -- is it your
17 understanding that these were each from
18 separate interviews?

19 A. I -- I would assume so.

20 Q. Okay. So first of all, in your
21 quote, you talk about a group of people
22 gathering on the 5th floor in Trump Tower, as

1 we talked about before; right?

2 A. Correct.

3 Q. And here, you refer to at least
4 through 7:30, 8 o'clock it being an optimistic
5 view of the results.

6 A. Uh-huh.

7 Q. Okay. And so is it fair to say that
8 your understanding is that you were in the
9 utility room you described before by at least
10 7:30?

11 A. No, it's not.

12 Q. Okay.

13 A. There were two separate questions,
14 what was going on, and what was the mood like.

15 Q. Okay. What -- so your understanding
16 is that you were not there by 7:30?

17 A. I don't think so, no.

18 Q. Okay.

19 A. I think it was -- as I -- I think
20 I -- I -- much closer to -- probably closer to
21 8:30, but well into -- but, you know, I think
22 easily 8.

Page 109

1 Q. Okay. So this, just to go through
2 this paragraph, the first sentence refers --
3 says "A group of us gathered on the 5th floor
4 of Trump Tower in what could be -- be described
5 as basically an oversized utility room."

6 Do you see that?

7 A. I do.

8 Q. All right. So then there's reference
9 to Stepien going through key counties.

10 Do you see that?

11 A. I do.

12 Q. And that's a reference to what was
13 going on in the utility room; right?

14 A. Correct.

15 Q. And then there's a sentence about
16 what's in, what's not. Do you see that?

17 A. I do.

18 Q. All right. And that's also a
19 reference to what's going on in the utility
20 room?

21 A. It is.

22 Q. Okay. And then there's a sentence,

Page 110

1 "I would say at least through 8:30 -- 7:30,
2 8 o'clock, it was a very cautiously optimistic
3 view."

4 And what you're saying is that's not
5 a reference to what happened in the utility
6 room?

7 A. Correct.

8 Q. Okay. What was the basis for that
9 optimistic view through 7:30 or 8 o'clock?

10 A. I think that we had seen -- I -- I --
11 again, if you remember, around -- I'm trying to
12 go back in time and remember what was happening
13 at when, but somewhere around 8 o'clock is when
14 the first couple polls closed, or that we
15 started to get some stuff in, and it looked --
16 you know, again, I -- I'm not -- it -- it
17 was -- on election night when -- when that
18 happened and there were a couple counties that
19 they were looking and saying wow, that's --
20 that's over-performing what we traditionally
21 do, considering where the mainstream media had
22 thought we would be.

Page 111

1 As you recall, many folks in the
2 media said this is, quote, going to be a early
3 night. We'd seen some quick counties that came
4 in that suggested it might not be as bad as --
5 or -- or at all like what the mainstream media
6 and -- and others had predicted.

7 Q. Okay. And when that was happening,
8 you were on the 14th floor?

9 A. When what was happening?

10 Q. The -- what you just described, the
11 early counties coming in.

12 A. It was a combin- -- again, I -- I
13 went down to 5 around -- between 8 and 8:30.
14 So he was asking me what the mood was like
15 early on in the night. I said between like
16 7:30, 8, 8:30, it started to get cautiously
17 optimistic. I -- I wasn't -- I didn't have the
18 privy of data at the time of this interview so
19 I was -- you know, said to him, he -- as early
20 counties came in, I just couldn't recall at the
21 time of the interview. I wasn't -- I couldn't
22 be specific with what time. And I think that's

Page 112

1 an accurate reflection of when -- when polls
2 were -- were going to be closing.

3 Q. Okay. The next paragraph quotes Matt
4 Mowers.

5 A. Yes.

6 Q. Who was the -- well, who was Matt
7 Mowers?

8 A. I don't know who Matt Mowers is.

9 Q. Oh, okay. So whoever Matt Mowers is,
10 he refers to --

11 A. I should -- just so we're clear, I --
12 I can't recall. I may have interacted with
13 him. I -- he's not somebody who I consider a
14 colleague or a friend or anything like that,
15 but I -- I -- the name isn't completely
16 unfamiliar; it's just not someone I'm -- I
17 can -- I -- I cannot tell you who -- what he
18 did on the campaign or if he was on the
19 campaign.

20 Q. Okay. He refers to certain people in
21 that paragraph. I think he uses the phrase
22 being in there.

Page 113

1 A. Uh-huh.

2 Q. And he specifically mentions -- well,
3 I'll tell you what question I'm going to ask at
4 the end of this so you know why I'm going
5 through these names. At the end of this what
6 I'm going to ask you is, are these all people
7 you recall seeing in the utility room on the
8 5th floor.

9 So he refers to Dave Bossie, Jared
10 Kushner, Reince Priebus, Chris Christie,
11 Mr. Stepien, Justin Clark.

12 A. Uh-huh.

13 Q. Himself, Mr. Mowers, and then Wells
14 Griffith and Brian Jack.

15 A. Uh-huh.

16 Q. So are those all people you saw in
17 the utility room that day, on Election Day?

18 A. Can we go through them?

19 Q. Yes.

20 A. Dave Bossie, as I've testified prior,
21 yes. Jared Kushner I testified previously
22 was -- was there. RNC chairman Reince Priebus,

1 I've testified earlier he was there. Governor
2 Chris Christie, I've testified he was there.
3 Bill Stepien, the political director, I
4 testified previously that he was there.

5 I know who Justin Clark is. I can't
6 recall him being in the room or not.

7 Q. Okay.

8 A. I vaguely recall Wells Griffith being
9 in the room but I -- I can't say for certain
10 that it would occur. And I'm not sure who
11 Brian Jack is.

12 Q. Okay. Who's Wells Griffith?

13 A. He used to work at the RNC, and he --
14 he was doing -- he was -- he had done some
15 state work, I believe, for the campaign, but
16 I -- I don't know what he exactly did for the
17 campaign.

18 Q. Okay. As of Election Day he was
19 working for the campaign?

20 A. I believe so, but I -- I don't -- I
21 can't say for certain. I don't -- I don't
22 specifically recall.

Page 115

1 Q. Let me ask it a different way. Do --
2 do you know whether on Election Day he was
3 working for the RNC?

4 A. I don't believe so, but no, I don't.

5 Q. Okay. All right. Let me direct your
6 attention to the next page.

7 A. Okay.

8 Q. There are two paragraphs in which
9 Matt Mowers is quoted.

10 A. Yeah.

11 Q. The first one he says, "At one point,
12 Florida looked like it was going to be really
13 close. And then Don McGahn, Stepien, Mike
14 Roman were all wondering whether we're going to
15 have to take the plane to Florida to prepare
16 for a recount."

17 Do you see that?

18 A. I do.

19 Q. Did you see Mr. McGahn on Election
20 Day?

21 A. I have to assume I did, but I don't
22 recall seeing him, no.

1 Q. Okay. You know who he is; right?

2 A. I do.

3 Q. Okay. Did you see Mr. Roman on
4 Election Day?

5 A. I don't know who he is.

6 Q. Okay. You've never met him?

7 A. I --

8 Q. Sorry.

9 A. I -- I don't -- I don't -- I do not
10 know -- I could not pick him out. I could
11 not -- I don't recall ever meeting him, knowing
12 him. I can't say that I've never met him, but
13 I could not tell you what he looked like, what
14 he did, or whether he was part of any effort,
15 but -- so --

16 Q. Okay. So you don't know whether you
17 saw him on Election Day or not?

18 A. I wouldn't know what he looks like to
19 tell you if I saw him.

20 Q. Okay. Do you recall discussion on
21 Election Day about Florida looking like it was
22 going to potentially head to a recount?

Page 117

1 A. I know -- no, I don't -- I -- I --
2 I -- I know early when some of the results come
3 in, we -- we said that it would be close, but I
4 don't recall any specific discussion about a
5 recount.

6 Q. Okay. The person in the second
7 paragraph, Mr. Mowers, refers to having a
8 flight booked to New Hampshire at one point.
9 Do you recall any discussion about people going
10 to New Hampshire for a recount?

11 A. I do not.

12 Q. Going back to the timeline for a
13 minute, we talked earlier about what time you
14 went to the utility room on the 5th floor.

15 A. Uh-huh.

16 Q. Did you -- did you do a TV interview
17 that evening after being in the utility room?

18 A. Yes.

19 Q. Okay. Do you recall when that was,
20 approximately?

21 A. I think it probably was in like the
22 10 o'clock hour.

1 Q. Okay, so the --

2 A. It was on ABC News, so again, it's
3 all -- it's -- it's fairly easy to look up.

4 Q. Okay. Do you recall how long you
5 were in the utility room on the 5th floor? I
6 think you said 40 minutes to an hour. I may
7 have gotten that wrong, so --

8 A. No, it's about an hour. I think
9 somewhere between 8 and 8:30 when we got down
10 there. By 9:20, I'm up on the 14th floor.

11 Q. Okay. So the next subsection in that
12 article quotes both you and Kellyanne Conway.
13 And in the paragraph that quotes you, it talks
14 about the move from the 5th floor to the 14th
15 floor as you were just discussing.

16 A. Uh-huh.

17 Q. Was it -- did all of the people who
18 were in the utility room with you go up to the
19 14th floor?

20 A. I can't account for everyone's
21 whereabouts, but the -- but I believe, yes, I
22 believe that everyone seemed -- that I was

1 aware of that did go up.

2 Q. Okay.

3 A. That I had mentioned previously.

4 Again, I can't account for people that I don't
5 know.

6 Q. Right. Okay, all right. So you
7 talked before about following turnout patterns
8 I guess when you were in the utility room, or
9 watching results come in, I guess. Is that a
10 fair --

11 A. Correct.

12 Q. Yeah. Was there discussion of what
13 was causing the turnout patterns you saw?

14 A. No.

15 Q. Did you have an understanding that
16 evening of what was causing the turnout
17 patterns that you saw?

18 A. Disgruntled voters at the
19 establishment.

20 Q. Okay.

21 A. I mean, I -- I -- I -- we weren't
22 really doing a ton of analysis, it was -- that

Page 120

1 was -- we were monitoring, you know, election
2 returns, which is what any campaign operative
3 does. You usually wait until after you win or
4 lose to do a lot of analysis.

5 Q. Did you on Election Day become aware
6 of complaints that either the RNC or the Trump
7 Campaign received about events that were
8 occurring at the -- at the polls in the
9 country?

10 MR. BURCHFIELD: Object to form and
11 foundation.

12 Q. You can answer.

13 MR. BURCHFIELD: You can answer.

14 A. I'm sure -- there's always, like,
15 stories on television about this line being
16 long or this -- but I -- I was not directly
17 brought information about voting
18 irregularities --

19 Q. Okay. Do you --

20 A. -- beyond media stories that, you
21 know, would have been on television or in a
22 news story or -- or a tweet or something of

1 that nature.

2 Q. Okay. Did you receive any
3 information about claims of voter fraud on
4 Election Day?

5 A. Did I? No.

6 Q. On Election Day.

7 A. No.

8 Q. Okay. Did you have any conversations
9 about whether there was any voter fraud on
10 Election Day?

11 MR. BURCHFIELD: Object to form and
12 foundation. And also, it's beyond the
13 scope. If you're talking about did he
14 have discussions on Election Day as
15 covered by the order for him to testify
16 about election fraud, he can answer that
17 question.

18 MR. KAUL: That was the question.

19 MR. BURCHFIELD: Okay.

20 A. No.

21 MR. KAUL: Okay. All right. Why
22 don't we take a break very quickly. Go

Page 122

1 off the record.

2 THE VIDEOGRAPHER: Off record.

3 Time is 3:37 p.m.

4 (Discussion held off the record.)

5 THE VIDEOGRAPHER: Going back on

6 the record. The time is 3:49 p.m.

7 BY MR. KAUL:

8 Q. Mr. Spicer, just a few more questions
9 for you and we'll get you out of here.

10 A. Thank you.

11 Q. Some of these are -- are ones you may
12 have covered before so I just want to make sure
13 I -- I've touched base.

14 We talked earlier in the session
15 about your emails. Do you recall if you sent
16 emails from your personal email account on
17 Election Day?

18 A. I doubt it, unless -- it's possible
19 that like, you know, my parents sent me a "Good
20 luck" or something like that, but not with
21 respect to committee or campaign business.

22 Q. Okay. Do you know if you sent any

1 emails on your RNC account that had any
2 connection to voter fraud?

3 A. No.

4 Q. No, you did not; right?

5 A. I -- thank you. No, I did not. As
6 I've stated previously, we had been vigilantly
7 schooled about Election Day activities in -- in
8 areas like voter fraud that we were not to in
9 any way, shape, or form neither be involved
10 with nor even be perceived as being involved in
11 those issues so that would have been strictly
12 prohibited.

13 Q. Okay. There's been substantial
14 public discussion about the topic of voter
15 fraud over the last year. Was there anything
16 that you communicated about or observed on
17 Election Day that informed your understanding
18 of whether there's voter fraud or what amount?

19 A. So why -- I -- I -- can -- my --
20 you're asking about my personal views?

21 Q. I -- I'm asking about what you
22 observed on Election Day or communicated about

1 on Election Day.

2 MR. BURCHFIELD: Well, and -- and
3 consistent with the order, while you
4 were at Trump Tower, right, was there
5 anything that you observed there that
6 informed -- that -- that was evidence of
7 voter fraud? Is that the question?

8 Q. Was there anything you observed on
9 Election Day that informed your understanding,
10 your personal understanding, as to the
11 existence or the scope of voter fraud?

12 MR. BURCHFIELD: Object to form and
13 foundation.

14 A. Again, I -- I -- I'm still trying to
15 understand if you're asking my personal
16 beliefs.

17 Q. Was there anything you observed on
18 Election Day that -- that --

19 A. There's nothing I observed on
20 Election Day with respect to -- that -- that --
21 that I saw at Trump Tower with respect to voter
22 fraud.

1 Q. Okay. I asked you before if you had
2 any communications about voter fraud.

3 Did you have any communications
4 relating to poll monitoring on Election Day?

5 A. No.

6 Q. Did you hear any communications about
7 poll monitoring on Election Day?

8 A. I --

9 MR. BURCHFIELD: Object to form and
10 foundation.

11 Q. Go ahead.

12 A. It's possible that I was in the same
13 room as someone, but I was not actively in --
14 part -- part of any conversation that had to do
15 with, in any way, shape, or form, poll
16 monitoring.

17 Q. You were talking before about who was
18 present in the utility room on the 5th floor
19 when you were watching results --

20 A. Correct.

21 Q. -- come in.

22 Did some of the people who were in

1 that utility room come from the bigger open
2 room on the 5th floor?

3 A. In order to get into that room, as
4 I've previously described, that would be the
5 only way to access that utility room.

6 Q. Were some of the people who came into
7 the utility room people who were working that
8 day in the big open room on the 5th floor, if
9 you know?

10 A. I don't.

11 Q. Okay. And you mentioned, I believe,
12 that you knew some of the people who were in
13 the utility room, but not all of them; is that
14 right?

15 A. No, that's not what I said.

16 Q. Okay. There are some people whose
17 names you don't know; is that right?

18 A. No, I -- I mentioned to you who I
19 knew was in that room.

20 Q. Okay.

21 A. You pointed out in a story that there
22 were other people who claimed to be in that

Page 127

1 room. I don't recall some of those names,
2 mostly because I don't know who they are. So
3 I'm sure it's possible that they ducked in
4 or -- but I relayed to you the people who I
5 knew were in that room.

6 Q. Okay. So let me break that down
7 then. Do you know that there are people who
8 were in that room whose identity you don't
9 know?

10 A. According to published stories, there
11 are people who claim to be in that room that I
12 don't know, nor do I recall seeing, but they
13 claim that they were there.

14 Q. Okay. You don't know one way or the
15 other whether they were, in fact, there; is
16 that right?

17 A. I don't know who they are so it would
18 be impossible to know whether or not they were
19 there. I named to you the people that I knew
20 were in that room.

21 Q. Okay. So my question is, are there
22 people who were in the room who you saw whose

1 identity you did not know?

2 A. Not that I can recall.

3 Q. Okay. And you said that there were a
4 number of people in the larger room on the 5th
5 floor whose identity you didn't know; correct?

6 A. Correct.

7 Q. Who -- do you know who would know the
8 identity of those people?

9 A. People on the campaign that were
10 responsible for that.

11 Q. Okay. So someone like Mr. Stepien?

12 A. It's possible.

13 MR. KAUL: Okay. Okay, those are
14 all the questions I have. Thank you,
15 Mr. Spicer.

16 THE WITNESS: Thank you.

17 MR. BURCHFIELD: Okay. Let me just
18 ask a couple.

19 EXAMINATION

20 BY MR. BURCHFIELD:

21 Q. Mr. Spicer, I have a very few number
22 of questions. And I'm asking you these

1 questions from your personal knowledge.

2 A. Okay.

3 Q. Are you aware -- were -- did you
4 personally participate in any acts that were
5 intended or might have had the effect of
6 intimidating voters on Election Day 2016?

7 A. Never.

8 Q. Are you aware of anyone else at the
9 RNC who engaged in such activities?

10 A. No.

11 Q. Were you -- were you involved in any
12 activities that were intended or may have had
13 the effect of suppressing votes during the
14 election cycle 2016?

15 A. No.

16 Q. Are you aware of anyone else at the
17 RNC that was involved in any such activities?

18 A. No.

19 Q. Were you involved in any way in any
20 ballot security activities during the election
21 cycle of 2016?

22 A. I was not.

Page 130

1 Q. Are you aware of anyone at the RNC
2 who was?

3 A. I am not.

4 Q. Were you involved in any activities
5 of poll monitoring, of watching voters vote for
6 the purposes of detecting fraudulent activity
7 during the 2016 election cycle?

8 A. No.

9 Q. Are you aware of anyone at the RNC
10 who was?

11 A. No.

12 MR. BURCHFIELD: Thank you.

13 MR. KAUL: All right. I'm going to
14 ask a little rebuttal there on that.

15 EXAMINATION

16 BY MR. KAUL:

17 Q. You were asked a few questions about
18 what you knew during the election cycle of
19 2016.

20 A. Okay.

21 Q. Do you recall?

22 A. I do.

1 Q. You are aware that during the
2 election cycle of 2016, now-President Trump
3 made some statements about voter fraud; right?

4 A. I am aware.

5 Q. Do you know whether Reince Priebus
6 had any communications with Mr. Trump about
7 voter fraud in the 2016 election cycle?

8 A. I do not.

9 Q. You don't know one way or the other?

10 A. Correct.

11 Q. Do you recall that Mr. Priebus
12 appeared on, I believe, Face The Nation at one
13 point and discussed Mr. Trump's views on voter
14 fraud?

15 A. I do not.

16 Q. Okay. Did you have any
17 communications with Mr. Trump during the 2016
18 election cycle about voter fraud?

19 A. No.

20 Q. Are you aware of anybody at the RNC
21 who had any communications with him about voter
22 fraud?

1 A. No.

2 Q. Are you aware of any communications
3 at the RNC about voter fraud during the 2016
4 election cycle?

5 MR. BURCHFIELD: Object to form and
6 foundation, and also beyond the scope.
7 But you may answer.

8 A. No. And I would further state again
9 that I think we, being not just the senior
10 staff but everyone down to the lowest levels at
11 the RNC, had been conditioned repeatedly about
12 the scope and extent of the Consent Decree and
13 what was prohibited activities, and what could
14 even be perceived as a prohibited activity with
15 respect to poll watching, voter fraud, etc.

16 So not only did it not happen, but --
17 but I think there was a level of vigilance to
18 ensure that -- that it wasn't even perceived to
19 even -- to -- to -- to come up.

20 Q. Just to follow up on Mr. Priebus, as
21 part of your duties as communication director,
22 did you regularly follow the press appearances

1 that Mr. Priebus had?

2 A. I did.

3 Q. Okay. Do you have a recollection of
4 any interview he gave in which he discussed
5 Mr. Trump's statements about voter fraud?

6 A. No, but I -- we engaged in a rather
7 large number of interviews both during and
8 after the campaign, so I -- as much as I
9 oversaw it, I can't recall many specific
10 interviews, including my own.

11 Q. Okay. Did Mr. Priebus ever talk to
12 you about having spoken to Mr. Trump about
13 voter fraud?

14 A. No.

15 MR. KAUL: Okay. Okay, that's all
16 I have. Thank you very much.

17 THE WITNESS: You bet.

18 MR. BURCHFIELD: Thank you.

19 Nothing further here. The witness will
20 read and sign, and we can talk off the
21 record about delivery. Thank you.

22 Thank you to the reporter and the

Page 134

1 videographer and Mr. Spicer.

2 THE VIDEOGRAPHER: This concludes
3 the videotaped deposition of Sean
4 Spicer. This is tape 2 of 2. Going off
5 the record. The time is 3:59 p.m.
6 (Deposition adjourned at 3:59 p.m.)

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

12/6/2017 Democratic National Committee, et al. v. Republican National Committee, et al. Sean Spicer
Confidential

Page 135

1 C E R T I F I C A T E

2 D I S T R I C T O F C O L U M B I A :

3 I, MARY ANN PAYONK, shorthand reporter,
4 do hereby certify that the witness whose
5 deposition is hereinbefore set forth was duly
6 sworn, and that such deposition is a true,
7 correct, and full record of the testimony
8 given.

9 I further certify that I am not related
10 to any of the parties to this action by blood
11 or by marriage, and that I am in no way
12 interested in the outcome of this matter.

13 IN WITNESS WHEREOF, I have hereunto set
14 my hand this 8th day of December, 2017.

15

16

17

18

19

20

21

22



MARY ANN PAYONK, Shorthand Reporter

Page 136

1 Sean Spicer c/o

KING & SPALDING LLP

2 1700 Pennsylvania Avenue, N.W., Suite 200

Washington, D.C. 20006

3

4 Case: Democratic National Committee, et al. v. Republican National
Committee, et al.

4 Date of deposition: December 6, 2017

5 Deponent: Sean Spicer

6

7 Please be advised that the transcript in the above

8 referenced matter is now complete and ready for signature.

9 The deponent may come to this office to sign the transcript,

10 a copy may be purchased for the witness to review and sign,

11 or the deponent and/or counsel may waive the option of

12 signing. Please advise us of the option selected.

13 Please forward the errata sheet and the original signed

14 signature page to counsel noticing the deposition, noting the

15 applicable time period allowed for such by the governing

16 Rules of Procedure. If you have any questions, please do

17 not hesitate to call our office at (202)-232-0646.

18

19

20 Sincerely,

Digital Evidence Group

21 Copyright 2017 Digital Evidence Group

Copying is forbidden, including electronically, absent

22 express written consent.

1 Digital Evidence Group, L.L.C.

1730 M Street, NW, Suite 812

2 Washington, D.C. 20036

(202) 232-0646

3

4 SIGNATURE PAGE

Case: Democratic National Committee, et al. v. Republican National
4 Committee, et al.

5 Witness Name: Sean Spicer

Deposition Date: December 6, 2017

6

7 I do hereby acknowledge that I have read
and examined the foregoing pages
8 of the transcript of my deposition and that:

9

10 (Check appropriate box):

() The same is a true, correct and

11 complete transcription of the answers given by
me to the questions therein recorded.

12 () Except for the changes noted in the
attached Errata Sheet, the same is a true,
13 correct and complete transcription of the
answers given by me to the questions therein
14 recorded.

15

16

DATE

WITNESS SIGNATURE

18

19

20

21

DATE

NOTARY

22

Page 138

1 Digital Evidence Group, LLC
2 1730 M Street, NW, Suite 812
3 Washington, D.C. 20036
4 (202)232-0646
5

6 ERRATA SHEET
7

8 Case: Democratic National Committee, et al. v. Republican National
Committee, et al.

9 Witness Name: Sean Spicer

10 Deposition Date: December 6, 2017

11 Page No. Line No. Change
12
13
14
15
16
17
18
19
20

21 _____
22 Signature Date